

upon such a motion are delivered, and those clauses would not be interfered with by the order now to be made.

Costs of the appeal to be costs to the defendants in any event in the cause.

Mexican Northern Power Co. v. S. Pearson & Son Limited (1914), 5 O.W.N. 648, distinguished. In the present case, it is the liquidator, the plaintiff, who has the information, and not the defendants, the personal representatives of the four deceased directors; and it is only fair that, before they are called upon to plead or to examine for discovery, the defendants should have before them a reasonably precise statement of the case which they will have to meet. The rules of pleading, therefore, ought not to be unduly relaxed for the benefit of the plaintiff.

LENNOX, J.

FEBRUARY 21ST, 1919.

RE FARRELL.

Will — Construction — Disposition of Trust Fund — Income — Principal—Death of one Beneficiary—Share Divided between Surviving Beneficiaries—Vested Interests—Immediate Payment.

Application by the National Trust Company Limited, trustees of the estate of Dominick Farrell, deceased, for the advice of the Court in the determination of certain questions arising upon the terms of the will of the deceased.

The 6th paragraph of the will was as follows:—

“(a) In further trust to pay to the trustee of the wife and children of my son Vincent F. Farrell annually during his lifetime by semi-annual payments the sum of \$800 towards the support and maintenance of his wife and children; (b) and (c) after the death of the said Vincent F. Farrell to pay the said sum of \$800 to his children Eva Farrell Cyril Farrell and Dorothy Farrell in equal shares until they arrive at the age of 21 years; when (d) I direct my trustees to pay over to him or her the principal sum from which the said share of said sum of \$800 theretofore paid to him or her was derived: provided that in the event of the death of either of the said children of the said Vincent F. Farrell before the age of 21 years leaving issue him or her surviving the said principal sum or money that would have been paid to the parent had he or she reached the age of 21 years and become entitled to receive the same shall be paid and distributed to and among the said issue of the said deceased parent in equal shares and in the event of the