

withdraw it from the reach of his creditors; and it is important to plaintiffs to show what the result was of the withdrawal of these properties, upon the financial position of the debtor.

I think the order ought not to be drawn up generally, as apparently it was intended to draw it up; but it should be limited so as to shew that the examination must be based upon the right of plaintiffs being what I have indicated, and the limit of the right to examine being that which I have mentioned.

I think the costs of the appeal should be costs in the cause to the successful party.

MEREDITH, J.

FEBRUARY 16TH, 1903.

CHAMBERS.

RE GILBERT.

Will—Construction—Bequest to Grandchildren—Whether Including Grandsons as well as Granddaughters—Devise of Land—Bequest of Money to Improve Land—Revocation of Devise—Effect on Bequest—Bequest of Money Invested in Shares—Specific Bequest—Increased Value of Shares.

Motion by the executors of the will of Jacob Gilbert for an order under rule 938 declaring the construction of the will and codicils as to three matters.

E. Meredith, K.C., for executors.

T. G. Meredith, K.C., for Absalom Gilbert.

T. W. Crothers, St. Thomas, for Harman Crouse.

C. F. Maxwell, St. Thomas, for Hannah Thompson, formerly Crouse.

J. Farley, K.C., for Ernest Gilbert.

MEREDITH, J.—“I charge the devises and bequests to Absalom with the payment of \$1,000 to be paid to each of my grandchildren, daughters of the said Hannah Crouse, such sums to be paid to each of them when he or she becomes of age or marries, whichever event shall first happen.” These words, notwithstanding the use of “he or she,” do not include a son of Hannah Crouse. Daniel’s Settlement Trusts, 1 Ch. D. 175, distinguished.

“Also pay to my grandson, the said Harmon Crouse, \$500, which is to be paid by my said son Absalom to my said executors, and which shall be employed by them in giving him a start when he shall begin farming by putting up a house on the premises hereinbefore devised to him and making