fee simple," and in the event of the rents not being sufficient for his maintenance, with his consent to sell it and apply the proceeds to his maintenance, etc., and died without making a will and without the land having been sold in his lifetime:—

Held, that the settlor was possessed of an equitable estate in fee simple in the land, which on his death vested in his administratrix under the Devolution of Estates Act.

McBrayne, for trustees and administratrix.

Divisional Court.]   CAMPBELL *v.* BAKER.   [March 2.

Costs—Taxation—Appeal from local taxing officer—Reference to Toronto.

As a foundation for an appeal from a taxation of costs between party and party, objections must be filed with the officer taxing, and these objections must be directed to specific items; or, semble, at the least if a general objection is relied on, it must be expressly stated to be directed to each and every item in the bill. A general objection that the bill is exorbitant is not sufficient.

Upon a mere general objection of this kind, or even upon specific objections to specific items, the Judge before whom an appeal from the taxation of a bill by a local taxing officer comes for hearing, has no right to refer the bill to one of the taxing officers at Toronto for revision or retaxation. He may ask the opinion of one or both of these officers as to any question arising, but he must himself decide the points involved.

Quay v. *Quay* (1886) 11 P.R. 258, explained..

Judgment of FALCONBRIDGE, C.J.K.B., reversed.

Middleton, for appellant. *Grayson Smith*, for respondents.

Divisional Court.]   DELAMATTER *v.* BROWN.   [March 13.

Landlord and tenant—Lease—Short Forms Act—Covenant to repair—Variation from statutory form.

An indenture of lease, bearing date June 29, 1891, expressed to be made in pursuance of the Act then in force respecting Short Forms of Leases (R.S.O. 1887, c. 106), contained a covenant by the lessees that they would "leave the premises in good repair, *ordinary wear and tear only excepted*," the words in italics not being in the statutory short form, and the extended statutory equivalent of the statutory short form having in it