

invested as aforesaid, to and amongst his sons, of whom *M.* was one, their heirs and assigns, share and share alike.
M. died intestate, his mother was appointed administratrix of his estate, and application was made to the Court of Probate by the assignees of certain of his judgment creditors, (his personal estate being sworn to be insufficient for the payment of his debts), for license under sections 13 and 17 of the Probate Act, (*Revised Statutes*, second series, chap. 130), to sell his interest in the real estate of the testator.
 Held: *First*, by *Young C. J., Dodd*, and *DesBarres JJ.* (*Wilkins J.* dissenting), that the wife of the testator took an estate for life only, with a contingent remainder in fee to his sons.
 By *Wilkins J.* That the wife took an estate in fee.
Secondly, by *Young C. J. and Dodd J.*, that the granting of a license for the sale of real estate under *Revised Statutes* (second series), chap. 130, sec. 13 and 17, is discretionary with the Court of Probate, and that that discretion was rightly exercised in the present instance by the refusal of such license.
 By *DesBarres and Wilkins JJ.*, that the Court of Probate had no power whatever to grant such license.—*In the Estate of Michael O'Sullivan*..... 549

WITNESSES, fees of..... 723
 See PRACTICE, 13.

WRECKED VESSEL.

1. Moral necessity is sufficient to justify a master in selling a shipwrecked vessel, and the existence of such necessity is a question of fact for the jury.—*Orange et al v. McKay*..... 444
2. It is not absolutely necessary in such a case that there should be a survey of the vessel before the sale, nor that such sale should be by auction, though both, where they can be had, are prudent and proper steps.—*Ibid*..... 444
3. The title to a shipwrecked vessel can be transferred without bill of sale.—*Ibid*..... 444

WRIT, amendment of..... 406, 148
 See AMENDMENT OF WRIT. PRACTICE, 5, 6.