Here, a sale by auction in parcels was had, and failed, and the estate has been now ordered to be put up for sale by tender *en bloc*, and it is contended that without first asking for tenders for parcels, or trying some other way, the trustee should not be at liberty to bid for the estate *en bloc*, if the price named by the Court should not be realized on the sale by tender. The rule has not been so stringently laid down: Tennant v. Trenchard, 38 L. J. Ch. 661, and L. R. 4 Ch. 537, per the Lord Chancellor, at p. 547. In that case the trustee was not to be at liberty to bid until some attempt had been made to sell, and proved to be abortive. Here the ends of justice—of justice to the parties—do not require a more stringent application of the rule; there having been in fact one sufficient attempt to sell in parcels, which has proved abortive, the Courts below have exercised a proper discretion in making the order in question. Motion is dismissed with costs.

BRITTON, J. JANUARY 21ST, 1902.

CHAMBERS.

VALLEAU v. VALLEAU.

Will—Construction—Bequest for Life to the Widow—Articles Passing Under—Use in Specie of Furniture—Income.

Thorpe v. Shillington, 15 Gr. 85, referred to.

Originating notice under Rule 938.

E. Douglas Armour, K.C., for plaintiff.

R. C. Clute, K.C., for defendants.

A. L. Colville, Campbellford, solicitor for plaintiff.

G. Drewry, Brighton, solicitor for defendant.

LOUNT, J. JANUARY 22ND, 1902.

TRIAL.

MASSEY-HARRIS CO. v. ELLIOTT.

Water and Watercourses—Change in Course of Stream by Freshets—Accretion—Reliction—Easement—Riparian Proprietor—Title by Possession.

Interpleader issue directed to try whether at the time the city of Brantford expropriated certain land, that portion in question in the issue was the property of the plaintiffs or defendants, and to determine the proportion in which the $6,100, fixed by the arbitrators under the Municipal Act, as the value of the land, and paid into Court, is divisible among them.