fringement of the registered design of the stove made by the plaintiffs. Both stoves were before the Court, and yet Kekewich, J., who tried the action, was of opinion that there was no infringement (see (1895) 2 Ch. 593, noted *ante* vol. 31 p. 601), and yet Lord Herschell and Smith and Rigby, L.JJ., were unanimous that the defendants' stoves "were an obvious imitation" of the plaintiffs' design. It may be remembered, however, that Kekewich, J., although admitting there was a resemblance, based his decision on the ground that all that was protected was the actual design, and not the idea of applying that kind of ornamentation to stoves.

PARTNERSHIP—ARBITRATION, AGREEMENT TO REFER TO—POWER OF ARBITRATOR—DISSOLUTION—MOTION TO STAY PROCEEDINGS—ARBITRATION ACT, 1889 (52 & 53 VICT., C. 49), S. 4, (R. S. O., C. 53, S. 38).

In *Vawdrey* v. *Simpson*, (1896) 1 Ch. 166, Chitty, J., following *Walmsley* v. *White*, 40 W. R. 675, held that where articles of partnership contain a clause referring all matters in difference between the partners to arbitration, an arbitrator has power to decide whether or not there should be a dissolution of the partnership, and where a defendant in an action moves under the Arbitration Act, 1889 (52 & 53 Vict., c. 49) (see R. S. O., c. 53, s. 38) to stay proceedings on the ground that the parties have agreed to refer the matter in dispute to arbitration, the judge has full discretion to determine whether to do so, or to permit the matter in dispute to be tried out in the action.

WILL—TRUST FOR SALE POWER TO POSTPONE SALE—POWER TO CARRY ON BUSINESS OF TESTATOR.

In re Smith, Arnold v. *Smith*, (1896) 1 Ch. 171, was a summary application for the construction of a will. The testator's residuary estate (the greater part of which consisted of the business of a pawnbroker, carried on at two different places), was devised and bequeathed to trustees for sale, and particularly to sell his business of a pawnbroker with all convenient speed, but with power to postpone the sale for as long as the trustees should think fit. The testator left two elder sons beneficially interested in the residuary estate, and the trustees