

ant. The action was tried without a jury at St. Catharines. The learned Chief Justice finds that the defendant was not turning the corner in accordance with the provisions of the local municipal by-law, which provided an obvious and proper rule of the road, apart from municipal legislation; and, having regard to the fact that the defendant was thus in the wrong, he was going too fast. Miss Carrie Griffiths, his own witness, said that he "was not going *so very fast*"—a significant phrase. The boy was riding at a moderate rate of speed (per John Watson, a very good witness called by the defendant). He was not guilty of contributory negligence; and the defendant was liable. The damages of the infant plaintiff were assessed at \$100, and of his father at \$25.50. Judgment for the plaintiffs for \$125.50, with costs, fixed at \$40. No further set-off of costs, a rough set-off being applied in fixing this amount. J. S. Campbell, K.C., for the plaintiffs. M. J. McCarron, for the defendant.

RE MACAULAY—FALCONBRIDGE, C.J.K.B.—OCT. 14.

Will—Construction—Power of Executors of Deceased Executrix to Convey Lands of Testator.]—Motion by the executors of Annie E. Macaulay, deceased, sole executrix under the will of John C. Macaulay, deceased, for an order under the Vendors and Purchasers Act declaring that the applicants had power to sell and convey land forming part of the estate of John C. Macaulay, deceased. The motion was heard at the London Weekly Court. The learned Chief Justice said that, in his opinion, there was nothing in the will which would necessitate a departure from the ordinary rule; and, therefore, the executors of the deceased sole executrix could make title: *Re Stephenson, Kinnee v. Malloy* (1894), 24 O.R. 395; *Williams on Executors*, 10th ed., p. 180; *Weir on Probate*, pp. 115-117; *Farwell on Powers*, 2nd ed., pp. 92-3. Costs of all parties, including the purchaser, out of the estate. J. M. Gunn, for the applicants. J. B. McKillop, for one Carson, representing the class named in clause 5 of the will of John C. Macaulay. T. G. Meredith, K.C., for the purchaser.

FARMERS BANK OF CANADA v. MENZIES—MASTER IN CHAMBERS—
OCT. 16.

Particulars—Statement of Claim—Negligence.]—Motion by the defendants for particulars of the statement of claim. The