

Moss, C.J.O.

JANUARY 25TH, 1909.

C.A.—CHAMBERS.

McLEOD v. CANADIAN NORTHERN R. W. CO.

*Appeal to Court of Appeal—Leave to Appeal from Order of
Divisional Court—Special Grounds.*

Motion by defendants for leave to appeal from order of
a Divisional Court, 12 O. W. R. 1279.

R. B. Henderson, for defendants.

J. B. Clarke, K.C., for plaintiff.

Moss, C.J.O.:—I am unable to conclude that this case
is one in which leave to appeal ought to be given. No
special grounds appear for treating it as exceptional. The
motion must be refused.

CLUTE, J.

JANUARY 26TH, 1909.

WEEKLY COURT.

RE SHANNON.

*Will — Construction — Bequest in Trust for Maintenance of
Lunatic Child — Trustee to Retain Unexpended Balance
—Child Dying before Testator—Claim of Trustee to Whole
Sum Bequeathed—Intestacy—Lapsed Bequest.*

Motion by the children and next of kin of Thomas
Shannon, deceased, for an order declaring the construction
of the will of the deceased.

W. F. Kerr, Cobourg, for the applicants.

H. T. Kelly, K.C., for the Revd. Father Whibbs.

Grayson Smith, for the executor.

CLUTE, J.:—The testator, after making a bequest of the
money to his credit in the bank, provided as follows:—

“3rd. I devise and bequeath all the rest and residue of
my estate, real and personal, of which I may die possessed