

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