

Reference to *Wakefield v. Maffet* (1885), 10 App. Cas. 422; *Howgrave v. Cartier* (1814), 3 V. & B. 79, 85, 86; *Wakefield v. Richardson* (1883), 13 L.R. Ir. 17.

No rule or case justifies a declaration that, when the settlor directs his property to be divided among those who survive, he means that the division shall include the children of those who do not survive. Nor can it be declared that by "surviving children" are meant those who attain 21 and do not survive the period mentioned.

It should be declared that Katie Klosse is not entitled to share in the distribution. Costs of all parties out of the fund.

FLEXLUME SIGN CO. LIMITED V. GLOBE SECURITIES LIMITED—
FALCONBRIDGE, C.J.K.B., IN CHAMBERS—APRIL 23.

Appeal—Application for Leave to Appeal from Order of Judge in Chambers—Rule 507.]—Motion by the defendants, under Rule 507, for leave to appeal from the order of MIDDLETON, J., ante 138. FALCONBRIDGE, C.J.K.B., in a written judgment, said that he had no reason to doubt the correctness of the order, and there was no other ground on which leave should be granted. Leave refused. Costs of the motion to the plaintiffs in any event. F. Arnoldi, K.C., for the defendants. A. C. McMaster, for the plaintiffs.

RE CANADIAN PEAT CO. LIMITED—MIDDLETON, J., IN
CHAMBERS—APRIL 24.

Appeal—Motion to Extend Time for Appealing after Expiry—Order of Master in Winding-up Matter Refusing to Set aside Sale of Property—No Substantial Question on Merits—Refusal of Motion.]—Motion by a creditor for an order extending the time for appealing from an order of a Local Master refusing to set aside a sale of property in a winding-up matter. MIDDLETON, J., in a written judgment, said that the chance of any success upon an appeal was exceedingly small. The applicant said that the property, sold for \$4,250, ought, if such steps were taken as he thought necessary, to bring \$5,000, or \$750 more. His claim was \$52.70, out of some \$7,000, so that his share, if he succeeded and his success brought about the increased price, would be a very small sum. Sentiment and not the money in question