

MACDONALD V. BOUGHNER—KELLY, J.—MARCH 31.

*Distribution of Estates—Inquiry as to Heirs-at-Law and Next of Kin—Master's Report—Motion to Confirm—Absentee—Failure to Advertise for—Declaration of Death not Justified—Reference back.*]—Motion by the plaintiff for an order confirming the report of the Local Master at Cayuga. By an order of the 24th October, 1913, it was referred to the Local Master at Cayuga to determine and report who were the lawful heirs and heiresses-at-law and next of kin of Fanny Williams, deceased, entitled to share in the distribution of her estate. The Master found that Gertrude Boughner and John Paul Trotter the younger were not lawful heirs-at-law and were not entitled to share in the estate; that Charles William Williams, a son of the intestate Fanny Williams, was not now alive; and that the deceased's daughters Jane Kirk Macdonald (the plaintiff) and her sister Amelia Kirk Sanders (one of the defendants) were the only heirs-at-law entitled to share in the distribution of the estate. KELLY, J., said that the findings in favour of these two daughters as being heiresses-at-law of the deceased, and against Gertrude Boughner and John Paul Trotter the younger, were supported by the evidence, and to that extent the report should be confirmed. There was evidence that Charles William Williams had not been heard of for twenty-five years or more, and that the last known of him was that he was at or in the locality of Green Bush, Michigan. No attempt had been made to find him by advertising; and, in the opinion of the learned Judge, he should not have been declared not to be now alive until that means of ascertaining his whereabouts, if he were still alive, had failed to produce results. Reference back to the Master to make further inquiries about Charles William Williams. Featherston Aylesworth, for the plaintiff. J. R. Meredith, for the infants.

---

SHAW V. TORRANCE—MIDDLETON, J.—APRIL 1.

*Contract—Exchange of Horses—Evidence—Finding of Fact of Trial Judge.*]—The plaintiff was the owner of a stallion, "Black Benedict," which he desired to exchange, as it was well up in years and had travelled in the neighbourhood for many years, both of which facts rendered it desirable to make a change, as many of the mares to be served were his own progeny. The defendant was a dealer in horses, importing stallions from