

In the absence of some statutory authority vesting in the Court power to act upon the presumption of death at a certain time, and by a short cut to effect a distribution of his estate, the learned Judge did not think any such order should be made. The applicants must either apply for letters of administration or possibly take proceedings under the Absentee Act. The motion must be dismissed.

LOCKHART V. ONTARIO AND MINNESOTA POWER CO.—KELLY, J.
—FEB. 14.

Appeal—Report of Referee—Grounds for Findings not Stated—Reference back.—An appeal by the plaintiffs from the report of the Local Judge at Fort Frances and a motion for judgment upon the report. The appeal and motion were heard in the Weekly Court, Toronto. KELLY, J., in a written judgment, said that no reasons were given by the Local Judge for the conclusions arrived at. The evidence was contradictory upon many points, and yet there was no finding as to credit. The learned Judge was unable properly to consider the appeal, and directed that the case should be remitted to the Local Judge in order that he might state upon what grounds he based his findings; costs of the appeal and motion reserved. C. R. Fitch, for the plaintiffs. W. N. Tilley, K.C., for the defendants.