of the company and R. signed a contract for such carriage, which contained this provision: "The company shall in no case be responsible for any amount exceeding one hundred dollars for each and any horse," etc, Held, affirming the decision of the Court of Appeal, that the words "shall in no case be responsible" were sufficiently general to cover all cases of loss howsoever caused, and the horse having been killed by negligence of servants of the company, R. could not recover more than $100 though the value of the horse largely exceeded the amount. Appeal dismissed with costs, Moss Q. C., and Collier, for appellant. Osler, Q. C., and W. Nesbitt, for respondent.

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TOWNSHIP OF COLCHESTER SOUTH v. Valid. — Ontario. — June 24, 1895. — Practice—Reference—Report of referee —Time for moving against—Notice of appeal—Cons, Rules 848, 849—Extension of time—Confirmation of report by lapse of time. In an action by V. against a municipality for damages from injury to property by the negligent construction of a drain, a reference was ordered to an official referee "for inquiry and report pursuant to sec. 101 of the Judicature Act, and rule 552 of the High Court of Justice." The referee reported that the drain was improperly constructed and that V. was entitled to $600 damages. The municipality appealed to the Divisional Court from the report, and the Court held that the appeal was too late, no notice having been given within the time required by Con. Rule 848, and refused to extend the time for appealing. A motion for judgment on the report was also made by V. to the Court, on which it was claimed on behalf of the municipality that the whole case should be gone into upon the evidence, which the Court refused to do. Held, affirming the decision of the Court of Appeal, that the appeal not having been brought within one month from the date of the report, as required by Cons. Rule 848, it was too late; that the report had to be filed before the appeal could be brought, but the time could not be enlarged by delaying in filing it; and that the refusal to extend the time was an exercise of judicial discretion with which this Court would not interfere. Held, also, Gwynne, J., dissenting, that the report having been confirmed by lapse of time and not appealed against, the Court on the motion for judgment was not at liberty to go into the whole case upon the evidence, but was bound to adopt the referee's findings and to give the judgment which those findings called for. Freeborn v. Vandusen (15 Ont. App. R. 267) approved of the followed. Appeal dismissed with costs.

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LUNDY v. Lundy.—Ontario.—June 24, 1895.—Will—Devise—Death of testator caused by devisee—Manslaughter. In an action for a declaration as to title to land the defendant claimed under a deed from his brother, who derived title under the will of his wife for causing whose death he had been convicted of manslaughter and sentenced to imprisonment. Held, reserving the decision of the Court of Appeal, (21 Ont. App. R. 560) Taschereau, J, dissenting, and restoring the judgment of Mr. Justice Ferguson in the Divisional Court (24 O. R. 132) that the devices having caused the death of the testator by his own criminal and felonious act could not take under the will, and that in such case no distinction could be made between a death caused by murder and caused by manslaughter. Appeal dismissed with costs. S. H. Blake, Q. C., for the appellants. Aylesworth, Q. C., and Murphy, for the respondent.

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BELL v. Wright—Ontario. 24 June, 1895.—Solicitor—Lien for costs—Fund in Court—Priority of payment—Set-off. In a suit for construction of a will and administration of testator's estate, where the land of the estate had been sold and the proceeds paid into court, J., a beneficiary under the will and entitled to a share in said fund, was ordered personally to pay certain costs to other beneficiaries. Held reversing the decision of the Court of Appeal (16 Ont. App. R. 335), that the solicitor of J. had a lien on the fund in Court for his costs as between