

get over the adverse finding of fact of the Referee, confirmed by MASTEN, J. The Winding-up Act, R.S.C. 1906 ch. 144, sec. 101, intends the decision of a Judge to be final, unless, in the opinion of the Judge applied to for leave to appeal, there is some ground for allowing the litigation to be prolonged. Leave ought, generally speaking, to be refused unless there appears to be some reason for doubting the validity of the judgment in review. Upon the evidence in this case, the finding appeared to be the only one which could properly be made. There was evidence which, if believed, would warrant an opposite conclusion. It was not accepted by the Referee, who saw the witnesses; and MASTEN, J., who heard very full argument, had no hesitation in affirming the Referee's finding. MIDDLETON, J., having read the important parts of the evidence, could not conceive it possible that any Court would now interfere with the findings of fact. No doubt was awakened in his mind as to their accuracy. Motion dismissed with costs. Daniel O'Connell, for the claimants. J. W. Bain, K.C., for the liquidator. J. A. Paterson, K.C., for contributors.

---

RE KELLY—KELLY, J.—JUNE 1.

*Will—Construction—Joint Bequest of Farm Implements and Stock—Devise—Effect of Codicil—Joint Devise to two Infants—Property not Specifically Disposed of—Intestacy.*]—Motion by the executors of the will of Robert Kelly for an order determining certain questions arising upon the will. The motion was heard in the Weekly Court at Toronto. KELLY, J., in a written judgment, said that he determined the questions only in so far as was desirable at the present time, having regard to the interests represented. Order declaring: (1) that William Frederick Graves and Myrtle Graves, his wife, are together entitled to the testator's farm implements and to one pair of horses and two cows; (2) that under the codicil the infant Robert Frederick Graves is entitled to share jointly with the other infant, Harold Graves, in the devise made by the will to Harold of the testator's real estate, but subject to the terms and conditions of the devise; (3) that any part of the testator's estate not specifically disposed of by the will and codicil passes as in the case of an intestacy. Costs out of the estate—those of the executors as between solicitor and client. T. J. Agar, for the executors and for William F. Graves and Myrtle Graves. F. W. Harcourt, K.C., for the infant Harley Graves. E. C. Cattnach, for the infant Robert Frederick Graves.