while Albert Shepard would get the remaining 98.5 acres, or with the addition of a small piece of lot 16, 99.3 acres in all. Under the other construction, Joseph and Albert would each be entitled to 101 acres. The learned Judge gave reasons in writing for the view taken by him, that the line intended by the testator to divide the properties devised to Joseph and Albert was, upon the proper construction of the will, having regard to all the circumstances, the line between the north half and the south half of lot 17. Judgment accordingly, and leave also granted, as asked, to the executors of Thomas Shepard to mortgage the lands devised to him for an amount sufficient to discharge the proper debts of the estate. Costs of the plaintiffs as between solicitor and client, and the costs of Helen Shepard and of the official guardian, to be paid out of the estate of Joseph Shepard forthwith after taxation. The opinion was expressed that the same result might have been attained at much less expense by an originating notice. A. G. F. Lawrence, for the plaintiffs. S. C. Smoke, K.C., for the defendant, Helen Shepard. J. R. Meredith, for the infants. W. E. Raney, K.C., for the other defendants.

BROWN v. CLENDENNAN—LATCHFORD, J., IN CHAMBERS—MARCH 31—MIDDLETON, J.—APRIL 4.

Land Titles Act—Registration—Motion to Stay till Determination of Action—Leave to Appeal—Security for Costs.]—Motion by plaintiff for an order staying until the determination of this action, the registration of the defendant under the Land Titles Act, as the owner of lot 17 on the south side of Humberside avenue, Toronto Junction. LATCHFORD, J., said that he saw no good reason why registration should be further delayed, and dismissed the motion with costs. On a motion being subsequently made by the plaintiff for leave to appeal from this judgment, MIDDLETON, J., before whom the motion for leave to appeal was made, said that the aspect of the case indicated by Skill v. Thompson, did not appear to have been presented to Latchford, J., and that apparently the Court thought in that case that the bringing of an action was enough to found a caution, and that on a motion to vacate a caution, the merits of the case should not be gone into. As however there was not much confidence to be placed in the plaintiff's bona fides, he would be