

a married woman in favour of her husband was void, and that as to such bequest there was an intestacy.

This section was repealed in 1873 by sec. 46 of the Wills Act, 36 Vict. ch. 20; but such repeal was not to "prevent the application of any . . . provision of laws formerly in force to any transaction, matter, or thing anterior to the said repeal to which they would otherwise apply." The original section with the restriction on a married woman's power to devise or bequeath her property, which existed between 4th May, 1859, and 1st January, 1874, has been consolidated from R. S. O. 1877 ch. 106, sec. 6, down to R. S. O. 1897 ch. 128, sec. 6.

These statutes were considered by the Court of Appeal in *Lawson v. Laidlaw*, 3 A. R. 77, where it was held that the real or personal property enjoyed by a married woman under the statutes of 1859 and 1872 is her separate property at law to the same extent, and with the same incidents, as property settled to her separate use was and is in equity.

Sarah Jordan, one of the daughters of the testator William Sharp, died on 7th June, 1884, having previously made her will dated 21st April, 1884, in which she bequeathed to certain of her children her interest in the estate of her late father.

Under the authority cited I must hold that Mrs. Jordan, notwithstanding her marriage before the Act of 1859, acquired the interest in her father's estate referred to in my former judgment in this case, 5 O. W. R. 704, and had power to dispose of it by the will produced in these proceedings.

MABEE, J.

JULY 13TH, 1906.

WEEKLY COURT.

NORTHERN CONSTRUCTION CO. v. SWANSON.

*Interim Injunction—Breach of Contract—Ability of Defendant to Respond in Damages—Affidavit Sworn before Issue of Writ of Summons—Dissolution of Injunction.*

Motion by plaintiffs to continue injunction granted by a local Judge restraining defendant from taking or removing