

Cox was in no sense the agent of Walmsley to say or do things improperly to induce the other defendants to sign the notes, if in truth he did say or do any of them. It was im- wife and daughter should become parties to the note. All the defences failed.

Judgment for plaintiff for amount of the notes with interest and costs.

STREET, J.

JANUARY 26TH, 1903.

CHAMBERS.

RE HUNT.

*Will—Daughter of Testatrix Named as Devisee Predeceasing Testatrix—Rights of Husband of Daughter—Tenancy by the Curtesy.*

Hannah Hunt by her will directed her estate to be sold, and the proceeds to be divided into four equal shares, one share to be paid to each of her four children, naming them.

Susanna Jewell, a daughter, predeceased the testatrix, intestate, leaving a husband and two infant children.

The executors moved under Rule 938 for an order declaring the rights of the husband and children.

F. S. Mearns, for the executors and John Jewell, the husband.

F. W. Harcourt, for the infant children.

R. S. O. ch. 128, sec. 36, Eager v. Furnivall, 17 Ch. D. 115, Johnson v. Johnson, 3 Hare 157, and In re Scott, [1901] 1 K. B. 228, were referred to.

STREET, J., held that the husband of Susanna Jewell was entitled to a one-third interest in the share given to his wife, the infant children taking the remaining two-thirds.

STREET, J.

FEBRUARY 2ND, 1903.

CHAMBERS.

GREER v. POWELL.

*Arrest—Motion to Set aside Order for—Judge in Chambers—Motion to Discharge—Order Obtained while Defendant in Custody on Criminal Charge.*

Motion by defendant to set aside an order for his arrest, and the arrest, or to discharge him from custody thereunder.

J. H. Moss, for defendant.

W. H. Blake, K.C., for plaintiff.