

RE GREENWOOD—BRITTON, J.—JUNE 7.

Will—Codicil—Family Settlement—Judgment—Effect of—Charge on Land Devised.]—Application by Jane Flynn, upon originating notice, for an order determining her rights under the will of Elizabeth Greenwood, deceased, and a codicil thereto, and under a judgment of the High Court of Justice, Chancery Division, in 1883, in an action of Greenwood v. Greenwood, in which Elizabeth Greenwood was defendant. The application was heard at Kingston. BRITTON, J., in a written opinion, set out the facts. Edward Greenwood predeceased his mother (Elizabeth), and she had the right to devise to Francis Greenwood (as she did by a new will) the land which she had devised to Edward by the will made pursuant to the judgment (which was in effect a family settlement). The land so devised was not subject to any legacy, payment, or charge other than such (if any) as was expressly mentioned in the will or codicil; and Jane Flynn had not, by reason of the death of Edward Greenwood, a right to any part of the estate of Francis Greenwood other than such (if any) as was charged upon that estate by Elizabeth Greenwood. Declaration accordingly. No costs. T. J. Rigney, for Jane Flynn. J. L. Whiting, K.C., for Francis Greenwood.

C. v. C.—MIDDLETON, J., IN CHAMBERS—JUNE 10.

Evidence—Application for Foreign Commission—Admissions and Undertakings Avoiding Necessity for Evidence Sought—Application Refused, but without Prejudice to Right of Trial Judge to Delay Judgment until Evidence Obtained.]—Appeal by the plaintiff from an order of the Master in Chambers refusing to direct the issue of a commission for the examination of witnesses on behalf of the plaintiff in England. The action was for alimony. The plaintiff alleged adultery. The defendant, although married many years, alleged that at the time of the marriage the plaintiff was already married to another man, and that a divorce, on the strength of which he married her, was void owing to the lack of any jurisdiction in the Court which granted the divorce over the plaintiff or her husband. The defendant, on his examination for discovery, denied adultery. The evidence sought to be taken on commission was for the purpose of establishing adultery. The defendant was now ready to admit the