
REPORTS AND NOTES OF CASES.

Province of Ontario.

HIGH COURT OF JUSTICE.

Divisional Court—C.P.]

[May 17.

RE MOLSON.

WARD v. STEVENSON.

*Will—Probate—Two testamentary writings of different dates—
Letters of administration with both annexed.*

Appeal by defendants from the judgment of the Surrogate Court of Northumberland and Durham which found that two testamentary writings of different date together contained the last will and testament of one Molson; and directing that letters of administration with the two writings annexed should be issued to the plaintiff. The first will appointed an executor and had a residuary clause disposing of the whole estate. The second will appointed the same executor, and was called "My last will." It did not in any way refer to the former document, had no revoking clause, no residuary clause, and did not dispose of the whole estate actually existing at the date of the decease, so that as to the part undisposed of, if the second will alone were admitted to probate, there would have been an intestacy.

Held, that the decision of the Surrogate Court judge was correct. *In re Bryan* (1907), p. 125, 76 L.J.N.S.P. 30, distinguished.

Dromgole, for plaintiff. *W. Kingston, K.C.*, for respondents.

Falconbridge, C.J.K.B., Britton, J., Middleton, J.] [July 2.

HESSEY v. QUINN.

*Landlord and tenant—Rent—Excessive distress—Statute of
Marlbridge—Damages.*

On appeal from the judgment of OSLER, J.A.,

Held, 1. That the statute of Marlbridge is not interfered with or modified by II George 2, c. 19, s. 19, (Imp.) and the latter statute did not apply to actions for excessive distress (see R.S.O. 1897, c. 342). *Whitmorth v. Smith*, 5 C. & P. 250, is not in point. The statute of George II. is confined to irregular-