

all purposes. Such children shall enjoy all the rights and privileges of legitimate children. Provided, however, that vested interests in estates shall not be divested or affected by this Act.

"2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

"3. This Act shall take effect immediately."

There could be in 1895 no vested interests in the estate of George W. Todd, who did not die until 1903. *Nemo est hæres viventis*. The proviso in sec. 1, therefore, does not, for the purposes of this case, exclude Parley Hunt the younger from the beneficent operation of the statute. Although illegitimate when born, the subsequent intermarriage of his parents in 1830 legitimized him for all purposes. His issue can, therefore, claim through him as a half brother of the intestate George W. Todd.

Judgment will be entered declaring plaintiffs to be of the next of kin of George W. Todd, deceased, and for payment to them of their costs of this action by defendants other than the Trusts and Guarantee Co., who will have their costs as between solicitor and client out of the estate of the intestate.

CARTWRIGHT, MASTER.

MARCH 10TH, 1905.

CHAMBERS.

GOLD RUN (KLONDIKE) MINING CO. v. CANADIAN GOLD MINING CO.

Writ of Summons—Service on Company Defendant—Head Office Removed from Province—Substituted Service.

Motion by defendants to set aside an order made by the Master in Chambers on 16th February, 1905, upon the ex parte application of plaintiffs, permitting them to serve defendants with the writ of summons by publication in the Ottawa "Free Press" newspaper, and by sending a copy of the order and writ to one Chabot in Montreal, Q.

C. A. Moss, for defendants.

E. Bristol, for plaintiffs.

THE MASTER.—The writ issued on 17th December, 1904. At that time the head office of defendants was at Ottawa. On 20th January, 1905, defendants assumed to change it to Montreal: but it is "at least doubtful if the necessary formalities were complied with. Defendants have no office either in Ottawa or Montreal, nor any officer in this province. Chabot has lately been appointed by defendants to be their official representative. . . .