

by the public respecting the carriage of goods by their steamers. The rent of the office was paid by the agents, and the clerks, including the manager, were the servants of the agents. The writ was served on the managing clerk in the agents' office, and the defendants entered a conditional appearance and moved to set aside the service of the writ, and Barnes, J., held that the service effected was not on "a clerk . . . of such corporation," within the meaning of Ord. ix., r. 8 (Ont. Rule 267), and he therefore set it aside, but without costs, as the defendants had held themselves out to have an office in London.

PROBATE—CONDITIONAL WILL—WILL OF SOLDIER IN ACTIVE SERVICE—(R.S.O., c. 109, s. 14).

*In re Spratt* (1897), P. 28, an application was made for the probate of a will made by a soldier in active service, in 1864, and the only question raised was whether or not the will was to be deemed a conditional will. The testator at the time of the making of the will was engaged in military service in New Zealand, and the will was in the form of a letter to his sister. After stating that there were chances of more being killed, he went on to say that in case he might not have opportunity of saying what he wished done with any little money he possessed in case of an accident, "I wish to make everything over to you. In the first place there is money at Cox's, over £100 in New South Wales Bank, New Zealand. Keep this till I ask for it. Your affectionate brother, C. Spratt." He survived 32 years without ever having demanded the letter back, or revoking the testamentary disposition contained in the letter. It was contended that it was to take effect conditionally on his dying during the war he was then engaged in. The President held the will a good will under the 11th section of the Wills Act (see R.S.O., c. 109, s. 14)—and that as there was no expression of any period to be found in the document, within which alone it was to be operative, it could not be deemed to have been conditional, and it was accordingly admitted to probate.