

Boyd, C.] WEBB v. NICKEL COPPER CO. OF ONTARIO. [Nov. 7.
High Court of Justice—Local Judge—Barrister sitting as deputy of—
Jurisdiction.

Motion by the plaintiff to continue an injunction granted by a barrister acting as local Judge of the High Court at Hamilton, in the absence of, and at the request of the local Judge.

W. Bell, for plaintiff.

W. W. Osborne, for defendants, objected that the barrister in question had no jurisdiction to act in the place of the local Judge.

Held, following *Denny v. Carr*, ante p. , that the barrister had no jurisdiction. Motion treated as one for a new injunction, and injunction granted.

Boyd, C.] IN RE THOMAS. [Nov. 11.
Will—Construction—Devise—Charge of debts and legacies—Bequest of
rents—Estate in land—Rule in Shelley's case—Bequest of proceeds of
sale—Principal and interest—Administration expenses—Apportionment.

A testator devised land to his son, and in his will directed the son to pay debts and legacies.

Held, that the effect of this was to charge the payment of both debts and legacies upon the land devised. *Robson v. Jardine*, 22 Gr. 420, followed. *McMillan v. McMillan*, 21 Gr. 594, distinguished.

The testator by his will gave a house and lot to his daughter, but by a codicil purported to revoke the gift, and directed as follows:—"I will that the said house and lot be held by my daughter . . . who shall receive all rents and benefits therefrom during her natural life, and at her decease that all rents shall be invested for the benefit of her heirs on their coming of age."

Held, that by the rule in Shelley's case the daughter took an estate in fee simple in the lands. *VanGrutten v. Foxwell* (1897) A.C. 658, and *Veulam v. Bathurst*, 13 Sim. 374, followed.

With reference to another parcel of land the codicil directed that all rents derived from it were to be divided between the testator's wife and daughter equally, and that on the death of a life-tenant the property should be sold and one-half the proceeds given to his wife or her heirs, and the other half invested, the principal for the benefit of the heirs of his daughter, and interest to go to his daughter during her life.

Held, that as to one-half of this land also, the daughter took an estate in fee simple.

The testator did not provide for the payment of administration expenses, though he directed that his debts and funeral expenses should be paid by his son.

Held, that the estate as a whole should defray the expenses of administration, and if there was a different disposition of the real and personal