
 REPORTS AND NOTES OF CASES

 Province of Ontario.

 COURT OF APPEAL.

From Divisional Court.]

SMITH v. BOYD.

[Jan. 24.]

*Amendment—Pleadings—Trial—Partnership—Conspiracy—
Account—Parties.*

In an action for damages for a conspiracy in pursuance of which the defendants, as alleged, fraudulently withdrew moneys from the assets of a firm of which the plaintiff was a member :

Held, reversing the decision of a Divisional Court, (ante vol. 34, 165 ; 18 P.R. 76), that leave to amend by adding the assignee of the firm for the benefit of creditors as a party and by claiming an account of the moneys withdrawn by the defendants, was properly refused at the trial.

Delamere, Q.C., for the appellant. *DuVernet* and *H. L. Dunn*, for the respondent.

 HIGH COURT OF JUSTICE.

Divisional Court.]

RE SOULE.

[Nov. 15, 1898.]

Will—Survivorship—Children attaining 21 years—Death or marriage of widow—Shares vesting.

The testator by his will gave his residuary estate to his executors upon trust to make provision for the support and maintenance of his family and for their education until his youngest surviving child should attain twenty-one years of age, when it was to be divided by the executors, by their setting apart one-third thereof for his widow, during her widowship or until she remarried, and the remaining two-thirds to his surviving children in portions of four parts to the sons and three parts to the daughters ; and after the death or re-marriage of his widow, the said one-third should be divided between his surviving children in the proportions aforesaid. The widow survived the testator, but died before the youngest child attained the said age of twenty-one years.