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**DIARY FOR APRIL.**


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1. Monday.....County Court and Surrogate Sittings.
4. Thursday.....New Legislative Buildings at Toronto opened, 1893.
5. Friday.....Canada discovered, 1499.
7. Sunday.....6th Sunday in Lent. Great fire in Toronto, 1847.
8. Monday.....County Court non-jury Sittings in York. Hudson Bay Company founded, 1692.
12. Friday.....Good Friday.
14. Sunday.....Easter Sunday.
15. Monday.....Easter Monday. President Lincoln assassinated, 1865.
17. Wednesday.....Hon. Alexander Mackenzie died, 1892.
18. Thursday.....First newspaper in America, 1704.
19. Friday.....Lord Beaconsfield died, 1881.
21. Sunday.....1st Sunday after Easter.
22. Monday.....Call, last day for notice for Easter Term.
23. Tuesday.....St. George.
24. Wednesday.....Earl Cathcart, Gov. Gen., 1846.
25. Thursday.....St. Mark.
26. Friday.....Battle of Fish Creek, 1885.
27. Saturday.....Toronto captured (Battle of York), 1813.
28. Sunday.....2nd Sunday after Easter.

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**Notes of Canadian Cases.**


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**SUPREME COURT OF JUDICATURE FOR ONTARIO.**


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**COURT OF APPEAL.**


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OSLER, J.A.]

[March 11.]

IN RE WILLIAMS.

*Executors and administrators—Trusts and trustees—Just allowances—Costs of unsuccessful litigation—Advice of court.*

Where the administrators of the estate of a deceased assignee for creditors defended in good faith an action brought by his successor in the trust to recover damages for breach of trust committed by the intestate, and, being unsuccessful, were obliged to pay the plaintiff's costs and those of their own solicitors they were held entitled to credit for these payments in passing their accounts.

Where it is plain that a dispute can be settled only by litigation, it is not necessary for a trustee to ask the advice of the court before defending.

Judgment of the Surrogate Court of Grey reversed.

*E. D. Armour, Q.C., and E. T. Malone* for the appellants.

*W. H. Wright and N. W. Rowell* for the respondents.