procedure and the administration of law in the High Court of Justice, and sec. 129 of that Act makes the Rules of Practice prescribed by the said Council of the same force as if contained in an Act of the Legislature, and therefore Rule 343 governs where a period of less than six days appointed or allowed for doing any Act or taking any proceeding, and holidays, as defined by the Interpretation Act, must not be reckoned in the computation of such period. Striking a special jury is an act or proceeding within the meaning of the Rule, and therefore Christmas Day must be excluded.

FALCONBRIDGE, C.J., affirmed the order of the Master and dismissed the appeal with costs to the plaintiff in any event of the cause, reserving leave to defendant to appeal, if so advised, to a Divisional Court.

Carscallen & Cahill, Hamilton, solicitors for plaintiff.

Crerar & Crerar, Hamilton, solicitors for defendants.

MEREDITH, C.J.   JANUARY 2ND, 1902.
CHAMBERS.

Re CURRIE.

Infant—Will—Advancement on Account of Legacy Payable at Majority—Executor.

Application on behalf of an infant twenty years of age for the approval of the court of the payment to her by the executor of the will of Kate Williamson, deceased, of $200 on account of a legacy of $1,500, payable to the infant with accrued interest when she attains majority. It was shewn that the executor and official guardian approved of the advance, and that the infant needed the money to pursue her studies in elocution.

F. W. Harcourt appeared for all parties.

MEREDITH. C.J.—I make the order in this case on the authority of Re Wilson, 14 P. R. 261, and I refer also to Re Coutts, 15 P. R. 162. The order must disclose on its face the consent of the executor, and that he admits that he has sufficient funds in his hands to meet the legacy when payable.

McCarthy, Osler, Hoskin, & Creelman, Toronto, solicitors.

JANUARY 7TH, 1902.
DIVISIONAL COURT.

HISLOP v. JOSS.

Appeal—Setting down—Christmas Vacation—Time of—Rules 790 (1), 352 (e).

The setting down of an appeal to a Divisional Court