

conduit pipes for transmitting it to the beneficiaries named in the will. It may be mentioned that, the testatrix having died in 1875, the statute 40 & 41 Vict., c. 33 (see R.S.O., c. 100, s. 29), did not apply.

EXPROPRIATION OF LAND—PURCHASE MONEY PAID INTO COURT—COSTS OF PAYMENT OUT—JURISDICTION AS TO COSTS—ORD. LXV., R. 1 (ONT. RULE 1170).

*In re Fisher*, (1894) 1 Ch. 53, Chitty, J., held that where, in pursuance of a statute, lands are expropriated by a public body and the purchase money is paid into court, and the Act contains no provision as to payment of the moneys out of court, the court has jurisdiction under Ord. lxv., r. 1 (Ont. Rule 1170), to order the public body which pays the money into court to pay the costs of and incidental to a petition for payment out.

POWER OF APPOINTMENT—APPOINTMENT TO TRUSTEE FOR OBJECT OF POWER—TRANSFER OF FUND TO TRUSTEE.

*In re Tyssen, Knight-Bruce v. Butterworth*, (1894) 1 Ch. 56, husband and wife having a power to appoint a trust fund vested in the trustees of their marriage settlement, in favour of their children, executed an appointment of part of the fund to one of their children in trust for another. The trustee so appointed applied to the trustees of the settlement for the transfer of the portion of the fund so appointed, and the trustees of the settlement thereupon applied for the opinion of the court whether they would be justified in making the transfer as asked. North, J., following the decision of Malins, V.C., in *Bisk v. Aldarn*, 19 Eq. 16, decided that the fund ought not to be transferred, but should be retained by the trustees of the original settlement.

PRACTICE—ARBITRATION—ACTION—STAYING PROCEEDINGS—"STEP IN PROCEEDINGS," MEANING OF—ARBITRATION ACT, 1889 (52 & 53 VICT., c. 49), s. 4—(R.S.O., c. 53, s. 38).

*Ives v. Willans*, (1894) 1 Ch. 68, was an application to stay proceedings in the action, on the ground that the parties had agreed to refer the matters in question to arbitration. Under the English Arbitration Act, 1889, the defendant must make the application after appearance, but before delivering any pleadings, or taking any other step in the proceedings. The defendant at the time of entering his appearance gave the plaintiffs notice in writing requiring a statement of claim to be delivered, which had