contravening the undertaking, and should be read with whatever light the undertaking could throw upon it.

By para. 3 of the undertaking, the $149,000 was to be equitably and ratably apportioned among the class; the time of distribution was not stated; but there were no words postponing it. The balance was to be apportioned and paid as soon as ascertained. That date was certainly not later than the date of the certificate issued to the plaintiff—the 1st May, 1916.

In the amendment to the constitution, "such fund" plainly meant the $200,000. That sum was set aside at a date not established, but clearly prior to the 1st May, 1916. It was only "until such sum" was set aside that the defendants were authorised to use the interest accruing upon it.

The plaintiff was entitled to share in the balance of the $200,000 as of the date when that balance was ascertained—that might be taken as the date of her certificate. The defendants were not, after the 1st May, 1916, entitled to use the interest of such balance for any purposes other than the benefit of the plaintiff and members of the society who were in the same class with her.

Judgment for the plaintiff for $13.67, with interest from the 1st May, 1916, and costs on the Supreme Court scale, with a declaration that all members of the defendant society in the same class as the plaintiff had the same rights against the defendants that were here declared to be possessed by her.

MIDDLETON, J., IN CHAMBERS. MARCH 10TH, 1917.

*RE HARMSTON v. WOODS.

Division Courts—Jurisdiction—Action for Trespass to Land—Title not in Question—"Personal Actions"—Division Courts Act, R.S.O. 1914 ch. 63, sec. 62.

Motion by the plaintiff for a mandamus to compel one of the Junior Judges of the County Court of the County of York, presiding in the First Division Court of the County of York, to hear and determine a plaint in that Court for trespass to land—the title not being shewn to be in question.