

readily understand a motion for an administration order being dismissed where the beneficiaries were not entitled to the estate and were simply asking for an account, and complaining unnecessarily of the trustees' management, but that was not this case. The applicant sought to recover from the trustees her share of the estate in their hands and to compel them to execute the trusts and she was, apparently, under the facts above set forth, entitled to an administration order and to the relief claimed. The fact that the other beneficiaries were not in accord with the applicant, or that the estate was being properly managed by the trustees, was not the issue. The question was: Have these trustees the legal right to retain the property of the beneficiaries in their hands contrary to the expressed direction of the testator in his will?

If the beneficiary cannot get an administration order, how is she to recover her share? Once the trustees admit assets, they can be sued in an action of assumpsit, but until an account is taken how can they be sued? If a successful action had been brought in this case for administration, the costs would have fallen on the applicant for not in the first place applying for an administration order. The writer thinks the trustees were at fault, and in any event the costs should have been paid by the trustees in view of the fact that the applicant's husband found a purchaser for the property which the trustees claimed was not possible.

[Was not the real question involved in this case simply whether the learned Judge in refusing the order exercised a judicial or an arbitrary discretion, the complaint being that he exercised the latter.—*Ed. C.L.J.*]

THE ONTARIO STATUTES OF 1918.

The statutes passed at the recent session of the Ontario Legislature have been published with commendable promptitude, and maintain the improved standard of typography and binding, which, since 1916, has been characteristic of our annual output of provincial legislation.

As a rule the arrangement is satisfactory, although there are one or two places where strict chronological order has not been