so the case came down to trial. The plaintiff was called, and proved the receipt of the $50, and the statement by the defendants to her that she could not have the remainder. Counsel for the plaintiff refusing to admit that the defendants had acted upon legal advice, one of them was called to prove that fact. Both these facts should have been admitted.

Counsel for the defendants admit that the direction to invest contained in the will is utterly invalid, and that there can be no question that the plaintiff is entitled to be paid the balance of her legacy at once, and to an assignment of the security if a security has been obtained. It is necessary, therefore, only to consider the question of costs. This I reserved that I might see if there were any possible excuse which could be found to justify any of the proceedings in this action. I have looked at the text-books and the authorities, and now dispose of the costs.

That the advice of the solicitor first consulted (if it was as sworn to) was wrong and inexcusably wrong is clear. For more than 60 years it has been certain that with a bequest of this kind the legatee is entitled to be paid at once.

Following a well known English Judge, one may say, "Heaven forbid that a solicitor, or even a Judge, should be held to know all the law!" Our law can, in its entirety, only be found by an examination of the "codeless myriad of precedents" of decision in former and present times, and of statutes that are in themselves a library—and no one head can carry all that knowledge. Many questions, too, are not yet decided, and no solicitor can be quite sure of what the law may be—the best he can do is to give his best judgment. But there are some principles that are beyond controversy, and that no ingenuity can gainsay; and one of these is that involved in this case.

The executors, then, have acted wrongly, and should pay such costs as have been rightly incurred. The solicitor for the plaintiff cannot be permitted to increase the costs through his mistake in practice. The costs then to be paid to the plaintiff are only such costs as would have been allowed had the cheaper practice been adopted.

The question remains whether the defendants are to be allowed to charge these against the fund, viz., the legacy to the plaintiff, or, if not, against the general estate. It would be unjust to make the plaintiff pay the costs of obtaining her own, costs which became necessary through the mistake