

fixed for payment by the testator will govern—and further that where, as here, the legacy is to a child, and there is no other provision, interest will run from the death, if the legatee is under age, but this rule does not always apply to a grandchild. It would not, therefore, follow that a decision in the present case would decide the question of the right of the grandchild to interest.

Mr. McBrady contended that if any question of law was raised judgment could not be given except at a trial or by a Judge in Court. I was of that opinion in *Canadian General Electric Co. v. Tagona Water and Light Co.*, 6 O. L. R. 641, 2 O. W. R. 1055. But in the case of *Grose v. Tagona Water and Light Co.*, 3 O. W. R. 353, Street, J., overruled that case. It would, therefore, follow that I am bound to consider, as was done in the *Grose* case, if there is any plausible defence in law—and let the parties, if dissatisfied, carry the matter further, as was done in that case.

If Mr. McBrady is right, it is most desirable that the rule he contends for should be formally declared, so that an allegation by a defendant that he wishes to raise a question of law shall be a sufficient answer to a motion for judgment under Rule 603. At present I do not see how it can be said that any such rule has been laid down, and I think the plaintiff here is entitled to judgment, and should not be obliged to wait until the defendant is satisfied as to the law. In addition to delay, the plaintiff would also be mulcted in solicitor and clients costs if this matter was tried and then perhaps taken to a Divisional Court.

Judgment will, therefore, issue within a week for the interest and costs, unless, in the meantime, defendant gives notice of appeal from this order.

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TEETZEL, J.

OCTOBER 22ND, 1907.

CHAMBERS.

COATES v. THE KING.

*Pleading — Amendment — Petition of Right — Consent of Crown — Rules of Court — Particulars — Commission on Sale of Treasury Bills and Bonds — Names of Purchasers.*

Appeal by the suppliants from order of Master in Chambers, ante 462, requiring them to give particulars of the