

Justice called attention to the use of *black* paper for the covers of the certified copies of the pleadings in these cases; and said that Registrars should refuse to certify records on paper of that colour. M. J. Kenny, for the plaintiffs. F. R. Morris, for the defendants.

WHITTAKER V. TORONTO R.W. CO. AND DOMINION TRANSPORT
CO.—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—OCT. 13.

Trial—Notice of Trial—Time for Service—Holiday.—Motion by the defendants the Toronto Railway Company to set aside a notice of trial served by the plaintiff as having been served too late. FALCONBRIDGE, C.J.K.B., in a written judgment, said the notice of trial was served on the 30th September as for the 10th October. The commission-day of the Toronto autumn jury sittings was Monday the 9th October. That day was subsequently appointed to be Thanksgiving Day, and jurors and others interested were notified that no business would be taken up until Tuesday the 10th; but the 9th still remained the commission-day, and the sheriff attended on that day, in accordance with the statute, and adjourned the Court until Tuesday the 10th. Under these circumstances, the notice of trial was too late, and must be set aside and the case removed from the list. Costs to be costs in the cause to the applicants in any event. W. N. Cox, for the applicants. H. R. Frost, for the plaintiff.

RE CORMACK—MIDDLETON, J.—OCT. 13.

Trusts and Trustees—Executors and Trustees under Will—Administration of Estate—Passing of Accounts—Failure to Set apart Trust Funds—Abatement of Legacies—Residuary Estate—Trustees' Commission—Costs.—On the 22nd December, 1915, an order was made appointing new trustees of the estate of James Cormack, under his will, and a reference was directed to the Local Master at Guelph to pass the accounts of the retiring trustees. On the 1st April, 1916, the Master made his report, from which there were appeals by Marjorie K. Harley, a granddaughter of the testator, by Frank Harley, a grandson, by the Guelph General Hospital, and a cross-appeal by the trustees, which appeals were heard in the Weekly Court at Toronto. MIDDLETON, J., disposed of the appeals in a written judgment in which he set