and invested by his executor—a son—who renounced probate. The administrators were bound to carry out the trusts expressed in the will. The trust as to the share of Madeleine, so directed to be held and invested, was that the interest thereon should during her minority be applied in her maintenance and education, and that the share itself should be paid over to her, with any unapplied interest, upon her attaining the age of 21 years.

The learned Judge said that he could disregard the unequivocal direction of the testator as to the share he bequeathed to his daughter. He had the right in law to determine, as he did determine, that she should be entitled to such share only upon her attainment of her majority. The case seemed a hard one; but he could not alter it without making a new will for the testator—and that he was not permitted to do. If any interest, on Madeleine's share was in the hands of the administrators, it might be paid out to Mrs. Vidal.

The motion must be dismissed. As the infant consented to the application, the costs of the Official Guardian (fixed at $5) should be paid out of such interest (if any); otherwise out of her share.

LENNOX, J., IN CHAMBERS. OCTOBER 25TH, 1915.

BETHUNE v. BIGGAR.

Trial—Notice of Trial—Jury Sittings—Non-jury Sittings—Rule 246—Practice.

Appeal by the plaintiff from an order of George M. Lee, one of the Registrars of the High Court Division, holding Chambers in lieu of the Master in Chambers, dismissing the plaintiff's application to set aside a notice of trial served by the defendant for the Hamilton jury sittings. The plaintiff had previously given notice of trial for a non-jury sittings at Hamilton. At that time, no jury notice had been served. The first day of the jury sittings was to be the 26th October; the jury sittings was to be held later.

Grayson Smith, for the plaintiff.
C. V. Langs, for the defendant.

LENNOX, J., said that the case could be set down for either Court, if regularly brought on. It was alleged that the case was