not duly qualified, and exposes any person contravening the Act to punishment "unless himself a party to the proceeding." The question therefore arises: can a trustee in bankruptcy be said to be "a party to the proceeding," in an application of this kind in which he is the official trustee? He is the person in whom the estate in question is vested; and, in the opinion of the learned Registrar, Mr. Weatherbe may be said to be "a party to the proceeding," within sec. 4 of the Solicitors Act, and as such entitled to make the present application. At the same time it would appear to be advisable that such applications—and especially contentious applications—should be made by a solicitor; in many cases there might be a saving of time and expense if a solicitor were employed.

The Registrar, therefore, appointed a time for the hearing of the application as asked.

LOGIE, J. NOVEMBER 5TH, 1920.

RE FANNING.

Will—Construction—Legacies Payable out of Particular Fund—Insufficiency of Fund—Demonstrative Legacies—Encroachment on Residue—Costs of Construction.

Motion by the executors of the will of C. B. Fanning, deceased, for an order determining a question as to the meaning and effect of the will.

The motion was heard in the Weekly Court, Toronto.
R. R. Hall, for the executors.
T. A. O'Rourke, for the residuary legatee.
G. N. Gordon, for the brothers Fanning.
E. G. Porter, K.C., for Jennie Madens.

ORDE, J., in a written judgment, said that the paragraph of the will under consideration read as follows:—

"To my brother George Henry Fanning I bequeath the sum of $5,000. To my brother Arden Wesley Fanning I bequeath the sum of $5,000. And to my sister Mrs. Jennie Madens I bequeath the sum of $1,000. The above amounts to be taken from Victor (sic) bonds."

The Victory bonds owned by the deceased were insufficient to pay the above legacies in full, and if the legacies were demonstrative the balance must be made up out of the residue.