be much better in such cases that the order were made by a Judge of the High Court.

An order may go containing the provisions I have mentioned, and confirming the report and directing distribution in accordance with its provisions.

MASTER IN CHAMBERS. APRIL 25TH, 1910.

CURLETTE v. VERMILYEA.

Venue—County Court Action—Action against Executor for Specific Legacy—Pleading—County Courts Act, secs. 23 (10), 36—County wherein Will Proved—Convenient Place for Trial—Witnesses.

Motion by the defendant to transfer the action from the County Court of York to that of Hastings.

Eric N. Armour, for the defendant.

John Jennings, for the plaintiff.

THE MASTER:—The plaintiff claims from the defendant "a rose point fichu," or in default of its delivery $300 damages.

This fichu appears to be a lace ornament of a valuable character much prized by ladies. This, it is alleged, was bequeathed to the plaintiff by a Mrs. Mendell, but is being wrongfully retained by the defendant, who was one of the executors of the testatrix. He is not sued, however, as executor, but as having kept possession of the fichu after the will had been proved and the estate wound up.

The defendant submits that he and his co-executor should be jointly sued as such. He also invokes on this motion the provisions of the County Courts Act, R. S. O. 1897 ch. 55, sec. 23, clause 10, and sec. 36, as requiring the action to be tried in Hastings.

The defendant swears to a good many witnesses. He gives their names and some indication of what they will prove. Of these at least seven or eight would appear to be material, and perhaps even ten.

The plaintiff in answer states that she will require four witnesses, but gives neither the names nor any information as to what they will be called to testify. Under Arpin v. Guinane, 12 P. R. 364, this may be allowable. The practice, however, is usually that adopted by the defendant. And, if a plaintiff can de-