

CAMERON V. DRISCOLL—MASTER IN CHAMBERS.—DEC. 8.

Venue—Change—County Court—Convenience—Witnesses—Affidavits.]—Motion by the defendant to transfer the action to the County Court of Carleton from the County Court of Renfrew. The action was to recover about \$200 for lumber sent to the defendant at Ottawa, but rejected as not being good merchantable stuff, as was ordered. The lumber remained at Ottawa. The whole dispute was as to the quality of the lumber. The Master said that the motion should succeed, following his previous decisions in *Canada Carriage Co. v. Down*, 1 O.W.N. 444, and *Irwin v. McFee*, 2 O.W.N. 72. Another reason was that, while the defendant swore to six witnesses all resident at Ottawa, the plaintiff's affidavit gave neither the names nor the residences of any of the eight witnesses whom he spoke of as material, nor any indication of what they would depose to. Strictly speaking, therefore, there was no more substantial answer to the motion than was given in *Gardiner v. Beattie*, 6 O.W.R. 975, 7 O.W.R. 136. Order made as asked; costs in the cause. H. M. Mowat, K.C., for the defendant. Hareourt Ferguson, for the plaintiff.

RE ROSE—RIDDELL, J.—DEC. 8.

Trusts and Trustees—Appointment by Court of New Trustee—Special Circumstances.]—Petition by Helen Amelia Barnes for the appointment of a trustee of the estate of Harvey Milton Rose, deceased, in place of Delia Caroline Rose, a deceased trustee, to act with the petitioner. RIDDELL, J.:—To avoid all trouble, and ex abundanti cautela, an order may go appointing Helen Amelia Barnes and Robert A. Mulholland trustees under the last will and codicils of Harvey Milton Rose, and vesting his estate in them as such trustees. This order is made in the peculiar circumstances of the case, and is not to be drawn into a precedent. R. L. Defries, for the petitioner.