

made by the defendant. The whole object of the affidavit is to put the plaintiff in the way of seeing and examining the documents required as material or of being put in the way of finding out where they are. The absent documents were not in the hands of the plaintiff in *Evans v. Jaffray*, and were not accounted for.

The notes for purchase-money in these cases which the plaintiffs paid were in their hands—they were once held by the defendants, but were given up on being paid. It seemed utterly irrelevant to introduce these in the affidavits on production as having been once in the possession of the defendants, when the plaintiffs have now actual possession of them.

As to the plan on which the sales were made, the plaintiffs shew in their pleadings that it was delivered to them contemporaneously. It appeared from the examination of the defendants that other plans were used on negotiations for sale—one of the city of Winnipeg and the other of West Rydal and Tuxedo—three in all; the plaintiffs have one; the other two should be accounted for if not in the hands of the defendants, and should be mentioned in their affidavits on production.

The list of names of vendees of other lots was part of a letter received from a certain business firm, and is accounted for sufficiently in the affidavits as having passed out of the defendants' possession.

This was not a meritorious application; no real good could result from the amendment directed in the affidavit on production.

Success being divided, there should be no costs of the application.

---

BOYD, C.

JUNE 24TH, 1916.

\*RE DARTNELL.

*Will—Distribution of Estate—Domicile—Foreign Law—Letters of Administration with Will Annexed Granted in Ontario—Property, Real and Personal, in Ontario and in Foreign Country—Wills Act, R.S.O. 1914 ch. 120, sec. 20 (3)—Change of Domicile—Question of Fact—Administration of Estate in Ontario according to Laws of Foreign Country if Domicile Changed.*

Application by the Toronto General Trusts Corporation, administrators with the will annexed of Florence Dartnell, deceased, under Rule 600, for an order directing the applicants to distribute the estate in accordance with the will or for such other order as might seem just.