

debts and funeral and testamentary expenses, and entitled during her life to the interest from the "balance" or two-thirds thereof.

Costs of all parties out of the estate.

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ANGLIN, J.

JUNE 18TH, 1906.

WEEKLY COURT.

CONNOLLY v. CONNOR.

*Evidence—Master's Office—Reference to Take Partnership Accounts—Preliminary Examination of Defendant as to Surcharge—Discretion of Master to Direct—Appeal—Place of Examination—Defendant Resident out of the Jurisdiction—Power to Direct Attendance at Place within Jurisdiction—Foreign Commission—Naming Master as Commissioner.*

Appeal by defendant from a direction of the local Master at Ottawa requiring defendant, though resident in New York, to attend at Ottawa, and submit to preliminary examination before the Master, respecting items of surcharge and falsification upon plaintiff's accounts filed with the Master upon a reference to him in a partnership action.

T. A. Beament, Ottawa, for defendant.

Glyn Osler, Ottawa, for plaintiff.

ANGLIN, J.:—Defendant contends that the material before the Master was insufficient to enable him to exercise any reasonable discretion as to the necessity or propriety of a preliminary examination being had, and that in any event he had no jurisdiction to require the attendance of defendant at Ottawa to submit to such examination.

The discretion conferred upon the Master by Rules 668 and 669 is very wide. In the exercise of that discretion he has determined that a preliminary examination of defendant should now be had. Although the material does not, perhaps, specify with as much particularity as may be desirable the items of surcharge or falsification in respect of which this examination is sought, I must assume that