this direction were followed literally, the legatee would need to live 37 years to receive her legacy in full. The defendants, the executors, thought she was hardly dealt with, paid her the $50, and desired to pay the remainder, but were afraid that they could not, in view of the provisions I have set out, legally do so. They allege that they consulted a solicitor (not the solicitor on the record), and were advised by him that they must invest the remaining $550 as directed in the will, and must pay this sum to her. They so informed the plaintiff. I had the opportunity of seeing one of these executors in the witness box, and I can safely find, as I do, that the executors acted in perfect good faith, and that they refused to pay over the balance solely because they thought the law would not justify them in doing so.

Our Rules 93 et seq. provide a simple, cheap, and expeditious method for the decision of just such questions, and these Rules are being applied every day. The solicitors for the plaintiff, being, as is said, of the opinion that these Rules did not apply, issued a writ of summons, instead of following the practice spoken of. Upon the delivery of the statement of claim, it was the plain duty of the defendants to have admitted the facts, taken objection to the more costly proceeding, and to have submitted themselves and their rights to the Court. Instead of this, a defence was put in, in which, after admitting the facts, it was pleaded that "the deceased died on 27th October, 1906, and the defendants submit that the action has been prematurely commenced, and should be dismissed with costs." At once orders to produce were taken out on both sides, and served, for what possible good purpose I am unable to conceive. Then the solicitors for the plaintiff wrote to the solicitors for the defendants that they did not think they would "require to examine defendants now, as there are no facts, so far as we can see, in dispute—the whole question is one of law, and would it not be well to deal with it summarily on a motion: we would consent to this." This is the first step in the proceedings that was proper, and had the suggestion been acceded to, the costs would not have been much increased. Instead of falling in with the suggestion, as he should have done, the solicitor for the defendants wrote saying that he thought it quite necessary to have both parties examined, at all events the defendants, so that a Judge might have all the facts before him—and adds that "the defendants can be examined at Guelph with very little expense." And