

and answer certain questions which he refused to answer upon his examination.

W. N. Ferguson, for plaintiff.

J. B. Holden, for defendant McLeod.

THE MASTER:—This action is for an account of the discoveries, other than that of the Lawson mine, said to have been made by defendants under the prospecting agreement referred to in the judgment in *McLeod v. Lawson*, 8 O. W. R. 213. In that case nothing turned on the date of the discovery of the Lawson mine. Here the dates are of importance, as plaintiff alleges and must prove, in order to succeed, that there were other properties, as well as the Lawson, discovered in the same period. In this view it may be helpful to trace the movements of defendants and get from them their account of the matter, and test the accuracy of their statements. It does not seem that by doing so plaintiff violates the order of 17th October precluding him from raising here any issues raised in the previous actions.

The questions which plaintiff wishes to have answered are as to where defendant McLeod camped on 13th and 14th September, and when the Lawson mine was first reached, and how long before its discovery.

The scope of an examination is not to be unduly restricted. It is better that counsel should not be too prompt to object to questions unless plainly improper and irrelevant.

The order should go. . . . Costs of the motion to plaintiff in the cause.

MEREDITH, C.J.

DECEMBER 14TH, 1906.

CHAMBERS.

RE DOMINION BANK AND KENNEDY.

Interpleader—Moneys on Deposit in Bank—Death of Depositor—Will—Judgment Establishing—Rights of Executor—Adverse Claim under Agreement.

Appeal by James Kennedy, a claimant, from an interpleader order made by the Master in Chambers, ante 755.

L. V. McBrady, K.C., for James Kennedy.