

Waddington, 23 O.L.R. 178. The evidence given at the trial did not enable the Court to determine whether such care was in fact used; and, on this point he thought that there should be a new trial, upon which all the facts could be fully developed. The new trial should be general. The other members of the Court agreed in the result. R. McKay, K.C., for Laurie. C. A. Moss, for the Polson Iron Works Limited.

PRATT V. PIPE—MASTER IN CHAMBERS—NOV. 6.

Discovery—Examination of Parties—Exclusion of Stranger from Examiner's Chambers—Discretion.]—Motion by the plaintiff for a direction to the Local Registrar at Berlin to allow the father of the assignor of the plaintiff to be present at the examination of the defendant for discovery. His presence was objected to by the counsel for the defendant, and he was thereupon directed to retire. Against the motion were cited the following cases: Re Western of Canada Oil Lands Co., 6 Ch. D. 109; Hands v. Upper Canada Furniture Co., 12 P.R. 292; Merchants Bank v. Ketchum, 16 P.R. 366. The Master said that these cases shewed, as was admitted by counsel for the motion, that the examiner in such cases has a discretion, which is, no doubt, subject to review; and in the first case he was directed to give effect to an objection similar to that made in the present instance. No case can be found where a discretion to exclude has been overruled. So far as the material shews, it would seem that the discretion was rightly exercised; and the motion must be dismissed with costs to the defendant in any event. A. R. Lewis, K.C., for the plaintiff. D. C. Ross, for the defendant.

NORTHERN SULPHITE MILLS V. CRAIG—MEREDITH, C.J.C.P.—
NOV. 6.

Principal and Agent—Purchase of Bonds by Agent—Dispute as to Ownership—Evidence—Purchase for Principal—Agent's Lien for Part of Purchase-money Paid.]—An action by the Northern Sulphite Mills, an incorporated company, and E. R. C. Clarkson, receiver for the company, for the delivery to the plaintiff Clarkson of 52 first mortgage bonds of the Imperial Land Company on deposit in Court. The bonds were acquired by the