

December, 1904, sent to plaintiffs' solicitors an unsigned document which contained a number of his findings upon points on which he was required to adjudicate between the parties. A duplicate was sent to the solicitors for defendant. Some correspondence ensued in regard to these findings and their effect and force.

On 30th September, 1905, defendant's solicitors filed supplemental accounts, and on 12th October a new account of John Livingston's drawings was put in. Some further correspondence ensued, but nothing further was done in the reference, and shortly after the last date plaintiffs became aware of the retainer of the firm by defendant.

The defendant's affidavit shewed that he had employed the firm of solicitors referred to above, to procure letters of administration to the estate of a deceased daughter and otherwise to act for him in connection with that estate, and that he employed the solicitors "in entire good faith, and without any reference whatever to or thought of the proceedings in this action."

The daughter died on 24th February and the petition for letters of administration was dated 1st March, 1905.

W. Nesbitt, K.C., and H. S. Osler, K.C., for plaintiffs.

W. Barwick, K.C., and J. H. Moss, for defendant.

W. E. Middleton, for the local Master.

ANGLIN, J. (after setting out the facts at length):— Upon the argument I declined to hear any suggestion that the Master's findings or his conduct indicated that he had been in any wise unduly influenced in defendant's favour by the relations which had been established between them, because no such charge is made in the notice of this motion. I therefore deal with the matter solely upon the admitted fact that the Master accepted a retainer from defendant before the reference pending in this action was finally concluded.

While, in respect of the matters covered by his findings contained in the document of December, 1904, the basis of the final report may have been then determined, I am not satisfied that the Master's remaining duties upon this reference are purely ministerial. On the contrary, it seems to me to be very clear that in respect of matters contained in the new accounts filed and in respect of matters not fully