

the wheel of such ship would be cast against her bow; that it was practicable for the officer in charge of the "Mountstephen" to have so increased the strength of that vessel's moorings, after he became aware of the danger, as to have withstood the extra strain, and that, by not doing so, he was guilty of negligence which directly contributed to the plaintiffs' damage; and that the officer in charge of the "Kinmount" was guilty of the like negligence. If the officer of either ship had done his full duty, the accident would not have happened, and both defendants were liable. The plaintiffs' servants were not guilty of any contributory negligence. Judgment for the plaintiffs against both defendants for \$5,700—\$700 for the injury to the leg and \$5,000 for loss of profits—and costs. A. H. Clarke, K.C., for the plaintiffs. F. E. Hodgins, K.C., for the defendant Playfair. F. King, for the defendants the Montreal Transportation Co.

HORTON V. MACLEAN—MASTER IN CHAMBERS—FEB. 23.

Discovery—Examination of Defendant—Relevant Questions—Further Examination.]—Motion by the plaintiff for an order requiring the defendant to attend for further examination for discovery. The defendant is the managing director of the "World" Newspaper Company. The plaintiff alleged that in October, 1881, he transferred to the defendant 23 shares of the capital stock of the "World" Printing Company, for which the defendant agreed to pay him \$2,000 in the event of the ultimate success of the "World" newspaper during the defendant's connection therewith. The action was begun on the 13th January, 1908. On the 10th April, 1908, an order was made for the re-examination of the defendant for discovery: 11 O.W.R. 961. Since then the defendant has been examined, but the examination has never been completed to the plaintiff's satisfaction. The Master said that it was most material for the plaintiff to know precisely at what period, six years before the 13th January, 1908, the newspaper could be said to have achieved success, for some such date must be shewn to prove the defendant's defence of the Statute of Limitations; and the plaintiff was entitled to full discovery to see how this appears from the books and statements of the company's affairs. The Master suggests that it might be arranged between the parties that the secretary of the company should be examined in lieu of the defendant,