

money paid, in preference to the earlier one who was shewn to be an employee of and in close touch with the company, and the belief was expressed that he would not take the same interest in the prosecution of the winding-up as the other.

*S. B. Woods*, for M. M. Anderson. *C. Elliott*, for A. McMillan. *S. King*, for the company.

Master in Chambers.] *MOFFAT v. LEONARD.*

[Sept. 21.]

*Discovery—Examination of person for whose benefit action defended.*

Rule 440 providing that a person for whose immediate benefit an action is prosecuted or defended shall be regarded as a party for the purpose of examination, is difficult of application where the plaintiff seeks to examine a person for whose benefit it is said that the action is defended.

Where the action was for infringement of a patent of invention for a certain heater, and the statement of defence denied the infringement and set up that the right to manufacture the heater was acquired by the defendants from C. & Co., and it did not appear that anything had been done by C. & Co. in reference to the action before and after it was brought:—

*Held*, that the members of the firm of C. & Co. were not persons for whose immediate benefit the action was defended; at the most, a successful defence might relieve them from a possible liability to the defendants.

*Kilmer*, for plaintiff. *C. A. Moss*, for defendants.

Meredith, J.] *IN RE WEST ALGOMA VOTERS' LISTS.*

[Oct. 4.]

*Parliament—Preparation of voters' lists—Dominion Franchise Act, 1898, s. 9—Appointment of persons to prepare lists—Order in Council—Prohibition—Powers of High Court.*

The High Court of Justice for Ontario has power to prohibit persons assuming to exercise judicial functions in the preparation of voters' lists for an election to the House of Commons for Canada, if these persons have no authority in law for the exercise of any judicial functions in respect of such lists.

*Re North Perth, Hesson v. Lloyd*, 21 O.R. 538, distinguished.

The Dominion Franchise Act of 1898 changed completely the whole law in regard to the preparation of voters' lists, adopting the provincial lists, instead of having parliamentary lists prepared; but, to provide against the possibility of there being no sufficiently recent provincial lists in some of the electoral districts, s. 9 was passed. This section means that when provincial lists exist—"are prepared"—they shall be used, but when they do not exist the mode of preparing them provided in the section may be adopted. On the facts of this case, it was within the power of the Governor-General in Council to appoint all necessary officers for the preparation of the lists, thus making them officers of a federal court constituted by the section. Their officers are to follow, as far as possible, the