

sional services and manifestly his evidence is given by reason of professional service rendered by him.

Before the examiner the position taken was that when a solicitor made an affidavit "he is only entitled to the ordinary fee of \$1." This is clearly untenable.

The motion must be dismissed with costs which I fix at \$15. If the applicant desires she may have an order directing that upon payment of the costs and the proper witness fee \$4, Mr. Phelan do attend and submit to examination at a time to be appointed.

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MASTER IN CHAMBERS.

OCTOBER 29TH, 1912.

DELAP v. CANADIAN PACIFIC R.W. CO.

4 O. W. N. 213.

*Pleading — Statement of Defence — Extension of Time for Delivery  
— Special Grounds.*

Application by defendant for a three months' extension of time for delivery of a statement of defence on account of the magnitude and complexity of the case and the facts involved.

MASTER-IN-CHAMBERS extended time for delivery of the statement of defence a little over six weeks.

Motion by the defendants for extension of time for delivery of statement of defence, for three months from 12th October, 1912.

Angus MacMurchy, K.C., for the defendants' motion.

F. Arnoldi, K.C., for the plaintiff, contra.

CARTWRIGHT, K.C., MASTER:—The action is for an account and other relief in respect of transactions arising out of dealings between plaintiff and defendant company leading up to the control or absorption by that company of the Great North West Central R.W. Co. These transactions began in 1898. In February of that year the plaintiff was approached by the late Judge Clark, who was at that time the company's general solicitor—and negotiations took place resulting in an agreement of considerable length dated 11th February, 1898, and set out in the statement of claim covering over 10 typewritten pages. All subsequent negotiations and arrangements necessary to carry that agreement into