

make any charge against the company and his declining to render any account were alleged. By paragraph 4, that in the balance sheet of the defendants no such claim appeared. By paragraph 5, that in November, 1909, Gillies sold his shares, and the plaintiff then for the first time made this claim against the defendants. And by paragraph 6, that the purchasers of the shares from Gillies relied upon the statements as assets and liabilities as shewn by the books of the defendants, and upon the disclaimer of the plaintiff, and the plaintiff was estopped. The Master referred to Stratford Gas Co. v. Gordon, 14 P. R. 407, and held, with some doubt, that the paragraphs referred to were not embarrassing. Motion dismissed; costs in the cause. W. G. Thurston, K.C., for the plaintiff. M. Lockhart Gordon, for the defendants.

PRYOR v. CLIFTON HOTEL CO.—SUTHERLAND, J., IN CHAMBERS.—
OCT. 6.

Discovery—Production of Documents—Relevancy—Names of Witnesses.]—Motion by the plaintiff from an order requiring the defendants to file a further affidavit as to production of documents and to produce certain documents admitted upon the examination of one Major, then manager, for discovery, to be in their possession. The plaintiff sued for damages for injuries sustained by reason, as alleged, of the negligence of the defendants in the condition or operation of the elevator in their hotel when he was a guest therein. The defendants undertook to produce the contract for the elevator, inspection papers, cards of notification, correspondence, accounts, license renewals, and hotel bill of the plaintiff; but declined to produce the pay-sheets of the employees, pay-roll, hotel register, bills of other guests, statement of names of maids in the employment of the defendants, and declined to give particulars as to the elevator since the date of the injury. The learned Judge said that it appeared to him that the sole object of the plaintiffs in seeking discovery of the matters referred to was to ascertain the names of the defendants' witnesses; and further that none of the discovery sought was relevant to the issues. *Marriott v. Chamberlain*, 17 Q. B. D. 154, and *Williamson v. Merrill*, 4 O. W. R. 528, were referred to. Motion dismissed; costs in the cause. A. McLean Macdonell, K.C., for the plaintiff. W. R. Smyth, K.C., for the defendants.