

of intercourse with the Bank of Montreal with respect to all of my affairs. Q. You had an interview with Mr. Macnider personally? A. Yes, over and over again. Q. Have you ever told Mr. Macnider what interest you had in the north end property?"

Mr. Nesbitt: "You know that is an improper form of question Mr. Douglas, it is out of all bounds, you should not take advantage of the fact that you are examining this witness *de bene esse* to examine him in this way."

"Q. Did you ever discuss this north end property with Mr. Macnider? A. I did on more than one occasion. Q. What did you tell him about it? A. I told him what the facts were. Q. What facts did you tell him? A. I told him how I was interested, that I had become security and paid the money for him, and that there was a certain amount of money in that property, and I think he was told and knew what interest I had, I was prepared to give as security to the bank—nothing beyond that—my interest to the extent that the property was indebted to me."

There is nothing in Mr. Stuart's testimony attributing knowledge to Mr. Braithwaite that the north end property was subject to any right of redemption by John Jacques Stuart. The letter of January 16th, 1904, from Mr. Braithwaite to Mr. Macnider states that John Stuart "has an interest in some property in the north part of the city." Similar language was employed in a letter of January 19th, 1904, from Mr. Bruce to Mr. Macnider: "He (John Stuart) told you at one time of having an interest in some property at the north end of the city."

The word "interest" correctly describes the right acquired by John Stuart from his son under the conveyance of October 30th, 1900, which was an undivided half interest in the lands, subject to the existing mortgage. It would also describe the interest John Stuart had, were that interest subject not only to the mortgage, but to the right of John Jacques Stuart to redeem. But to ascribe to it the latter meaning only, when it is used by persons who had no knowledge of the pretended right of redemption, is to subject the word to a strain it cannot bear.

Mr. Macnider, who has been sixty years in the service of the bank, has no recollection of having any such statements made to him regarding the north end property as Stuart swears to. He knew, he says, only the name of the property.