

*Leave.*]—Motion by the plaintiff in the action for leave to appeal from the order of SUTHERLAND, J., ante 7, refusing to set aside an appointment and subpoena for the examination of the plaintiff. RIDDELL, J., said that, denuded of the vesture afforded by form, the proceeding was an attempt on the part of one who was alleged to be a trustee—and this was not denied—to deal with the property of the trust in a manner which, the cestuis que trust said, was improper—and the plaintiff did not deny it. A technical difficulty arose from the cestuis que trust not being parties to the action, but that might be got over by adding them as parties defendants; and an order so adding them should now be made *nunc pro tunc*: *Liddell v. Deacon* (1873), 20 Gr. 70, 72; *Day v. Radcliffe* (1876), 24 W.R. 844; *Payne v. Parker* (1866), L.R. 1 Ch. 327; *Read v. Prest* (1854), 1 K. & J. 183; *Jennings v. Jordan* (1881), 6 App. Cas. 698. Order accordingly; leave to appeal refused; no costs. W. H. Clipsham, for the plaintiff. H. E. Rose, K.C., for O'Kelly and Sutherland.

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#### CORRECTION.

In the brief note of the Chancellor's judgment in MIDLAND LOAN AND SAVINGS CO. v. GENITTI, 9 O.W.N. 490, 9th and 10th lines from the bottom of the page, strike out the words in parenthesis "(afterwards Master of the Rolls.)" These words are not in the Chancellor's written opinion. The mistake was the Editor's. The Mr. Romilly whose argument in *Aldrich v. Cooper* (1803), 8 Ves. 382, 383, is referred to, was Samuel Romilly (1757-1818), knighted in 1806, when he became Solicitor-General; he was never on the Bench. His second son, John Romilly (1802-1874), was Master of the Rolls (1851-1873), and was raised to the peerage as Baron Romilly in 1866.