

previous argument, the Master said that he saw no reason to vary his former disposition of this motion, which was dismissed with costs in the cause of this argument to defendant only. H. S. Murton, for the plaintiff. J. T. Loftus, for the defendant.

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POWELL-REES, LIMITED v. ANGLO-CANADIAN MORTGAGE CORPORATION—DIVISIONAL COURT—DEC. 16.

*Contempt—Motion to Commit—Refusal to Answer Questions on Examination—Company—Director—Con. Rules 902, 910.]—*Appeal by E. R. Reynolds from order of SUTHERLAND, J., ante 352. The appeal was heard by BOYD, C., LATCHFORD and MIDDLETON, JJ. The judgment of the Court was delivered by BOYD, C., at the close of the argument, as follows: We think a declaration should be made that the order of the Divisional Court of September 23rd, 1912, should have been framed to provide that E. R. Reynolds was an officer of the defendant company and as such can be examined, and that on such examination he make full discovery and production of documents, said order to be amended nunc pro tunc. There shall be no costs of the motion before SUTHERLAND, J., or of this appeal. E. R. Reynolds, in person. M. C. Cameron, for the plaintiffs.

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RICKERT v. BRITTON—DIVISIONAL COURT—DEC. 17.

*Practice—Staying Proceedings — Unpaid Costs — Vexatious Action—Discretion of Court.]—*Appeal by the plaintiffs from the order of RIDDELL, J., ante 258. The appeal was heard by BOYD, C., LATCHFORD and MIDDLETON, JJ. Judgment was given by BOYD, C., at the close of the argument, as follows: We cannot disturb the order appealed from. I would put this decision on the ground that there is jurisdiction in the Court to stay proceedings in default of payment of interlocutory costs, especially if the action is vexatious, or if the plaintiff in the course of it acts vexatiously towards the defendant. The learned Judge appealed from has exercised this discretion, holding that the plaintiffs in the course of the action acted vexatiously towards the defendant, and thus imposed the payment of the prior costs as a test of the bona fides of the litigation. The judgment will be affirmed with costs. J. G. O'Donoghue, for the plaintiffs. C. G. Jarvis, for the defendants.