he so desired. In that case the plaintiff would have to add him as a defendant. At this stage, there did not seem to be any object to be gained by any further examination on the line the plaintiff wished to pursue. If the assignment admitted by Crawford necessitated or justified a refusal to allow him now to become a co-plaintiff, then it would not seem useful to inquire at this stage into any alleged grounds of misrepresentation. These, if they existed, might enable Crawford to revoke the settlement, if he desired to do so. But that would be a necessary preliminary to any such action as the present. On the other hand, if Crawford was willing to act now as co-plaintiff with Clarke, and had not precluded himself from so doing by the documents which he had signed, they could be set up as matters of defence, to which he could reply and counterclaim to have the same set aside. Therefore, from both points of view, there did not seem any advantage in prolonging the examination, which had apparently brought out all that could be usefully adduced on the pending motion of the plaintiff. The order to be made now would, therefore, be, that the questions objected to should not be answered. The costs of this application to be in the cause, as the whole proceeding was of an unusual character. F. E. Hodgins, K.C., for the defendant. J. Shilton, for the plaintiff.

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EVEL v. BANK OF HAMILTON—MASTER IN CHAMBERS—DEC. 6.

*Practice—Examination of Party for Purposes of Pending Motion—Subpœna Issued from Office in which Proceedings not Carried on—Refusal to Obey.*]—The plaintiff, on the 1st December, moved to strike out the defendants' counterclaim as irrelevant and embarrassing. The defendants obtained an enlargement until the 5th December, to have the examination of the plaintiff, for which an appointment had been issued. On the motion coming up on the 5th December, it appeared that the plaintiff had not obeyed the subpoena; and the defendants asked to have the plaintiff's motion dismissed. The proceedings were carried on at Toronto; but the subpoena was issued at Hamilton; and it was contended that this was a violation of Con. Rule 15, that the proceeding was irregular, and the plaintiff justified in not taking any notice of it. The Master said that the principle of Arnoldi v. Cockburn, 10 O.W.R. 641, was applicable, and that service of a subpoena could not be disregarded.