

or whether in May, 1911, he was secretary-treasurer. Broadly, the refusal was to answer questions which did not relate to dealings between Steele and the plaintiffs in regard to the particular stock mentioned in the statement of claim. The Master said that, in his view of the law and the practice, this position was too unqualified; and he was of opinion that the questions objected to should be answered. Reference to Bray's Digest of the Law of Discovery (1904), p. 3, para. 10, where it is said that a party is required to answer questions which *may*, not which *must*, assist the examining party. Order made requiring the defendant Steele to attend for further examination at his own expense; costs of the motion to the plaintiffs in the cause. Harcourt Ferguson, for the plaintiffs. W. D. McPherson, K.C., for the defendant Steele.

POLSON IRON WORKS LIMITED v. MAIN—MASTER IN CHAMBERS—
JAN. 16.

Pleading—Counterclaim—Con. Rule 254—New Defendants by Counterclaim—Company—Directors—Misfeasance—Wrongful Dismissal—Amendment.]—Motion by John B. Miller, made a defendant to the counterclaim of the original defendant, Main, to strike out paragraphs 25 and 26 of the counterclaim and to strike out the name of Miller from the counterclaim; and motion by the defendants the executors of F. B. Polson, deceased, to strike out paragraphs 2 to 23 and paragraphs 25 and 26 of the counterclaim. The motions were made under Con. Rule 254. Paragraphs 25 and 26 alleged misfeasance by F. B. Polson and Miller as officers and directors of the plaintiff company, and claimed an account of their dealing with the company's assets and repayment to the company. The Master said that this was, in substance, an action on behalf of the company's shareholders and for their benefit; and that these two paragraphs could not stand: Stroud v. Lawson, [1898] 2 Q.B. 380; and this might involve the striking out of the name of Miller as a defendant to the counterclaim. The counterclaim for wrongful dismissal, as alleged in paragraphs 21 and 22, must be confined to the plaintiff company, in the same way as paragraph 27, counterclaiming for the cancellation of the defendant's subscription for \$25,000 of the plaintiff company's stock. The motion of the executors of F. B. Polson was entitled to prevail to this extent—the defendant must amend to shew, if he can, something that will entitle him