

ascertain the facts necessary to enable them to determine what course to take in framing their defence, and they could not properly put in that defence without discovery from the plaintiff by such examination.

Held, that the defendants should be allowed to examine the plaintiff as asked.

Rule 566 should receive a large and liberal construction.

The granting of such an order is a matter of discretion; and where that discretion has been exercised in Chambers, it should not lightly be interfered with by the court.

Per ROSE, J.: If a defendant is seeking discovery from the plaintiff in good faith to enable himself or his counsel to determine whether it would be proper to plead justification, to refuse him permission to examine before statement of defence would be to compel him to plead, and then withdraw his plea, and pay a penalty by way of increased damages, in order to have such defence on the record as he may reasonably hope to sustain.

Lynch-Staunton for the plaintiff.

Oslor, Q.C., for the defendants.

BOVD, C.]

IN RE CHARLES STARK COMPANY.

[Jan. 13.

Company—Winding up—Appointment of solicitor to liquidators.

In a proceeding for the winding up of a company, a solicitor who is acting for claimants whose claims must be contested by the liquidators cannot obtain the sanction of the court to his acting also as solicitor for the liquidators. Nor will the court sanction the appointment of a special solicitor to act for the liquidators in the matter of the contested claim. The winding up must be prosecuted by one disinterested solicitor, whose services will not be divided by the assertion of antagonistic claims.

Hoyles, Q.C., for the creditors.

Lash, Q.C., for the liquidators and solicitors.

Appointments to Office.

SUPERIOR COURT JUDGES.

Province of Quebec.

John Sprott Archibald, of the City of Montreal, in the Province of Quebec, Esquire, one of Her Majesty's Counsel learned in the Law, to be a Puisne Judge of the Superior Court of the Province of Quebec, *vice* the Honourable Jonathan Saxton Campbell Wurtele, transferred to the Court of Queen's Bench of the said Province.

LOCAL MASTERS.

County of Oxford.

William Thomas McMullen, of the Town of Woodstock, in the County of Oxford, Esquire, Barrister-at-Law, to be Local Master of the Supreme Court