

The amount of stock to be delivered to the plaintiff was ascertained in November or December, 1916. Cole was demanding the stock from January, 1917. It was necessary for the company to obtain supplementary letters patent, and there was unreasonable delay in procuring them, not owing to bad faith on the part of the defendants, but to lack of diligence and mistakes in preparing material for the application, giving notice of meetings, etc.

The defendants were now ready and willing to deliver the stock; the plaintiff insisted that he was not bound to accept it, but should have money damages.

There was no satisfactory evidence of depreciation in value; the plaintiff ought to take the stock; and the defendants ought to pay some interest by way of damages.

The plaintiff should have judgment for delivery of fully paid-up preference stock to the amount of \$16,000.

Taking the offer of the manager of a bank as some basis for the approximate value of the stock, the plaintiff should have interest at 5 per cent. on \$4,000 from the 15th January, 1917, until judgment, and should also be paid his costs of the action.

PATTERSON V. TORONTO GENERAL TRUSTS CORPORATION—
FALCONBRIDGE, C.J.K.B., IN CHAMBERS—SEPT. 28.

Discovery—Examination of Persons for whose Benefit Action Defended—Rule 334.—Appeal by the defendants from an order of the Master in Chambers for the examination for discovery of certain persons for whose immediate benefit it was said this action was defended. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the Master in Chambers was right in holding these persons examinable under Rule 334. Nothing in the actual decisions in *Stow v. Currie* (1909), 14 O.W.R. 223, or *Trusts and Guarantee Co. v. Smith* (1915), 33 O.L.R. 155, conflicted with this view. See also *Argles v. Pollock* (1917), 12 O.W.N. 158. Appeal dismissed with costs to the plaintiff in any event of the action. J. H. Fraser, for the defendants. T. R. Ferguson, for the plaintiff.