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ANGLIN, J.

NOVEMBER 1ST, 1904.

CHAMBERS.

PERRINS (LIMITED) v. ALGOMA TUBE WORKS  
(LIMITED).

*Discovery—Examination of Officer of Foreign Corporation—  
Provisional Director—Officer out of the Jurisdiction—  
Rule 439 (a).*

Appeal by defendants from order of Master in Chambers (ante 233) directing that a commission may issue to take the examination for discovery of John J. Freeman, an officer of defendant corporation resident in the city of Philadelphia, U.S.A.

W. E. Middleton, for defendants.

C. A. Moss, for plaintiffs.

ANGLIN, J.—With great respect, I am of opinion that this order cannot be supported. In the first place a commission for the purpose of an examination for discovery is machinery not contemplated by the Rules making provision for such examinations. "These Rules were intended to provide a complete code of procedure applicable to persons resident within the jurisdiction of the Court and to persons residing out of that jurisdiction:" *Connolly v. Dowd*, 18 P. R. 38, 39. The group of Rules dealing with the examination of residents of this Province expressly extends to the examination of officers of corporations (Rule 1250). The Rule providing for the examination of persons out of the Province is in terms restricted to parties litigant. Whether the omission to provide for the examination for