

THE
ONTARIO WEEKLY REPORTER.

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No. 10

WINCHESTER, MASTER.

MARCH 9TH, 1903.

CHAMBERS.

SMITH v. LAKE ERIE AND DETROIT RIVER R. W. CO.

Discovery—Re-examination of Party—Special Circumstances.

Application by defendants for a re-examination of plaintiff for discovery and for postponement of trial in consequence of the absence of a material witness.

H. E. Rose, for defendants.

G. H. Kilmer, for plaintiff.

THE MASTER.—The plaintiff was not candid in stating what he was informed by the master of his barge with reference to the matters in question, although asked to repeat it. It is not usual to require a party to attend for re-examination unless special circumstances are shewn. Special circumstances sufficient to warrant a re-examination have been shewn in this case. The examination will take place immediately, and the other part of the application will stand until that is done. Costs of application to plaintiff in any event.

BRITTON, J.

MARCH 9TH, 1903.

WEEKLY COURT.

RE ROSS AND DAVIES.

Will—Construction—Devise—Power of Sale—Executors—Devisee—Trustee Act—Devolution of Estates Act—Vendor and Purchaser—Parties to Conveyance.

Petition by the vendors, the executors of the will of Elizabeth Tyler, for an order under the Vendors and Purchasers Act, R. S. O. ch. 134.

Elizabeth Tyler was the owner of a large amount of real and personal estate. Part of the real estate consisted of property on Queen street in the city of Toronto, which the executors desired to sell and which Robert Davies desired and had contracted to purchase, but on examination objected to the title.