

predecessor in title—the father and brothers and sisters of William McCaffrey joining in the conveyance.

In the circumstances, it followed that, as between the vendor and purchaser, the objection set up by the purchaser must be held to be not valid.

But, even if the objection should not, for these reasons, be held invalid, there was another and a more specific ground why it should not be upheld. Annie Nell Salter, a sister of Laura S. McCaffrey, was appointed administratrix of her estate, and, in that capacity and acting on behalf of herself and the other next of kin of Laura S. McCaffrey, she brought action against the estate of William McCaffrey to establish that Laura S. McCaffrey had survived her husband, and so had become entitled to a distributive share of his estate, and also to establish a claim that moneys of Laura S. McCaffrey had gone into the purchase of the property. The failure of the attempt to establish the fact that Laura S. McCaffrey survived her husband was on record. The solicitor for the plaintiff in the action referred to had made affidavit, in the present proceedings, that a settlement of that action was made, whereby, with the approval of the next of kin of Laura S. McCaffrey, the estate of William McCaffrey made a cash payment, the proceeds of which, after payment of costs, was distributed by him (the solicitor) amongst all of such next of kin, each of whom accepted his or her share thereof. There was no evidence that a formal release was given; but, accepting this uncontradicted evidence, the purchaser's contention must, for this reason as well, fail.

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SYLVESTER V. SYLVESTER—MIDDLETON, J., IN CHAMBERS—DEC. 1.

*Discovery—Examination of Defendant—Pleading.*—Appeal by the defendant from an order of the Master in Chambers requiring the defendant to attend for re-examination for discovery. MIDDLETON, J., in a written judgment, said that he had read all the papers in this case, and was confirmed in the view that, even treating matters pleaded in reply as set up as part of the main case, the examination had gone as far as the plaintiff was entitled to take it, and that the order of the Master should be reversed. No costs. R. S. Robertson, for the defendant. W. R. Smyth, K.C., for the plaintiff.