It was further urged that, if Mr. Freeman refused to attend, the order would be nugatory and therefore should not be issued.

As to this it is sufficient to say that the Court will not presume that the defendant company has come in and submitted to the jurisdiction only to set its order at defiance. When this contempt has manifested itself, it will be time enough to consider what relief (if any) can be given to the plaintiff company.

In the meantime the order will go with costs in the cause.

If the view of the learned counsel for the defendants is right, he will have rendered good service by calling attention to an evil which will doubtless be promptly met by an adequate remedy. See as to this Macdonald v. Norwich Union Ins. Co., 10 P. R. 462 at p. 464, last paragraph.

BRITTON, J. OCTOBER 7TH, 1904.

WEEKLY COURT.

ASKWITH v. CAPITAL POWER CO.

Evidence—Reference to Master for Trial—Rulings on Evidence—Interlocutory Appeals—Admission and Rejection of Evidence—Interpretation of Contract—Form of Questions.

Appeal by plaintiffs from report of local Master at Ottawa upon a reference to him for trial under sec. 29 of the Arbitrations Act, R. S. O. 1897 ch. 62.

W. J. Code, Ottawa, for plaintiffs.

T. A. Beament, Ottawa, for defendants.

BRITTON, J.—The appeal was against the ruling of the Master in admitting and rejecting evidence, that is, in allowing certain questions to be put to a witness called on behalf of defendants, and in disallowing a certain question put on cross-examination of that witness. . . . Following Markle v. Ross, 13 P. R. 135, I hold that an appeal lies