

solicitor for him, as well as for the Bank of Montreal. The demand for particulars was in the usual detailed form, asking when and where and in what circumstances John Stuart notified the bank as alleged in paragraph 8, and the name of the person or persons to whom such notice was given. This was repeated as to Braithwaite and Bruce, and also as to Bruce, as alleged in the 9th paragraph. Numerous letters were produced, and it was apparently on that of the 5th July, 1904, from John Stuart to Bruce that the plaintiff mainly relied, taken together with the correspondence as a whole. He also said that his grandfather notified the bank "verbally—just directly before the settlement." The Master said that as to these facts the plaintiff must rely on his grandfather's evidence at the trial. He was not bound to get all these details from his grandfather beforehand and communicate them to the defendants, who had denied any notice. It would, therefore, be a matter for the trial and for the ultimate tribunal to say whether the defendants had notice, as the plaintiff alleged, and what effect was to be given to it. The plaintiff had apparently given all the information on the matters in question that he had or ought or was bound to have. There is no fiduciary relationship between himself and his grandfather—it might be that they were adverse, though the plaintiff must rely on his grandfather's evidence, if any was thought necessary, beyond the correspondence and the fact of the dual position of the defendant Bruce. The motions failed on the merits; and also it might be that the defendants were too late, after doing nothing since the 6th May last. The delay was said to have been caused in part by the plaintiff having obtained an order on the 10th July for examination de bene esse of John Stuart, which was never acted on. But this did not account for the previous two months' inaction. Motions dismissed; costs to the plaintiff in the cause. H. A. Burbidge, for the defendants. W. M. Douglas, K.C., and W. J. Elliott, for the plaintiff.

*POWELL-REES LIMITED v. ANGLO-CANADIAN MORTGAGE CORPORATION—DIVISIONAL COURT—NOV. 2.

Judgment Debtor — Company — Examination of Director as Officer—Con. Rules 902, 910—Appeal—Irregularity—Waiver—Condition.—An appeal by E. R. Reynolds from the order of RIDDELL, J., 3 O.W.N. 1444, 26 O.L.R. 490. The appeal was heard by BOYD, C., LATCHFORD and MIDDLETON, JJ. The Court

*To be reported in the Ontario Law Reports.