

Peter R. Mastin, one of the sons of Martha Mastin, be appointed to represent the children of Elizabeth Horn.

The applicant is anxious to pay the above mentioned sum of \$1,800 so that it may be available for distribution among the proper parties, and to obtain a discharge of the mortgage referred to.

I think that, under all the circumstances, the proper course to take will be to direct, and I do direct, that, after deducting from said \$1,800 the costs of all parties to this application, the balance be divided into five equal parts to which the following heirs shall be entitled: one of the said one-fifth parts to belong in equal shares to the heirs of John Todd; another in equal shares to the heirs of Martha Mastin; another in equal shares to the heirs of Elizabeth Horn; and one-fifth to the heirs of Ann McKnight, subject to the claim, if any, of the County of Bruce thereto under the terms of the order of the County Court Judge above mentioned.

I direct that the balance of the \$1,800, with such proper interest, if any, as may have accrued due thereon, be paid into Court by the applicant to the credit of this cause, and that thereupon the applicant, as administrator of John Todd, the last surviving mortgagee under the mortgage, be authorised and empowered to execute a discharge of the mortgage in favour of himself personally as mortgagor.

KLINE BROS. & Co. v. DOMINION FIRE INSURANCE Co.—MASTER
IN CHAMBERS—OCT. 28.

Discovery—Affidavit on Production—Company — Examination for Discovery.—Motion by the defendants for a further affidavit on production from the plaintiffs. The Master said that, if the plaintiffs were not an incorporated company, the motion would be disposed of by adjourning it until after examination for discovery. But, under *Perrins Limited v. Algoma Tube Works Limited*, 8 O. L. R. 64, this is not allowable without the plaintiffs' consent. The Master, however, thought that there was sufficient ground from the pleadings and documents produced to justify an order for a further affidavit if an examination for discovery were resisted. The plaintiffs to signify their election. R. S. Cassels, for the defendants. Frank McCarthy, for the plaintiffs.