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CARTWRIGHT, MASTER,

APRIL 5TH, 1909.

CHAMBERS.

STOW v. CURRIE.

*Discovery—Examination of Parties—Undertaking of Solicitor—Breach—Letters — Interpretation—Counterclaim—Separate Examinations of Same Parties in Action and Counterclaim—Motion for Judgment on Counterclaim in Default of Defence.*

Motion by the defendants (other than Currie and Otisse) to set aside several appointments issued by the plaintiff for the examination of the defendants or their officers for discovery as such defendants, and also similar appointments for their examination as plaintiffs by counterclaim, together with an order for production of documents by them as such counterclaiming plaintiffs.

F. Arnoldi, K.C., for defendants the Otisse Mining Co.

Eric N. Armour, for defendants Warren, Gzowski, and Loring.

R. F. Segsworth, for defendants Currie and Otisse.

F. E. Hodgins, K.C., for plaintiff.

THE MASTER:—The grounds of the motion are: first, that these appointments and order are in breach of the undertaking of plaintiff's former solicitors; second, that they are irregular in so far as they assume to deal with the counterclaiming plaintiffs as distinct from them as defendants in the action.