

## DAVIS v. CLEMSON—BOYD, C.—JUNE 10.

*Contract—Work and Labour—Building Boats—Acceptance.*]—Action to recover \$1,015.22 for two gasoline boats built by the plaintiffs for the defendant. The Chancellor holds that the smaller boat was accepted by the defendant, though it needed a good deal of adjustment and attention before it was made to run satisfactorily. As to the larger boat he holds that there was no acceptance, and the defendant should not be obliged to pay for it. As to the first boat, it was to be treated as fully paid for by the cash and extra freight paid, plus something for trouble, etc., in connection with it. The defendant was, however, liable to the plaintiffs for the price of some goods and supplies. Judgment for the plaintiffs for \$106.75 without costs. A. B. Cunningham, for the plaintiffs. G. Mahaffy, for the defendant.

## SLATTERY v. HEARN—MASTER IN CHAMBERS—JUNE 13.

*Parties—Substitution of Plaintiff—Terms—Action Brought without Authority.*]—Motion by the defendant to stay or dismiss the action, as having been brought without authority, and motion by the plaintiff to substitute a new plaintiff. The action was brought upon a promissory note. The Master said that it was plain that the plaintiff had not given instructions for the action, and that he had parted with all interest in the note in question, which it was alleged was now held by the person whom it was sought to substitute as plaintiff. Whether the alleged present holder had a cause of action could not be determined otherwise than by a trial or an application under Con. Rule 261. Order made substituting as plaintiff the person referred to, upon his consent being filed, and allowing the action to proceed; service of the amended writ of summons dispensed with; time for appearance to run from the date of the amendment only. Costs of both applications to the defendant in any event. L. V. McBrady, K.C., for the defendant. T. F. Slattery, for the plaintiff.

SOVEREIGN BANK v. FROST—MIDDLETON, J., IN CHAMBERS—  
JUNE 13.

*Discovery—Examination of Officer of Plaintiff Bank—Pleadings—Relevancy of Questions—Foreign Commission.*]—Motion by the defendants to commit the general manager of the plaintiffs for refusal to answer certain questions and produce certain documents upon examination for discovery. The defendants also moved for a commission to take evidence abroad. The learned Judge