

It was conceded that the determination of the present motion must depend upon whether the plaintiff was or was not entitled to full discovery on all the allegations in the affidavit of the defendant Rogers. It was suggested that no cross-examination should have been allowed. The Master said that the practice seemed to be otherwise, though perhaps never carried so far as in the present case. He referred to the language of the Chancellor in *Swain v. Mail Printing Co.*, 16 P.R. 132, at p. 135, and said that it was decisive against the present application. He also referred to *Bennett v. Empire Printing and Publishing Co.*, 16 P.R. 63, 68, and *Southwick v. Hare*, 15 P.R. 222. "The good faith of the defendants cannot be tried on any interlocutory motion. It is pre-eminently a question for the jury at the trial—so, too, as regards the contemplated justification. Nothing bearing on its success can be usefully considered at present. . . . As the motion for security has yet to be dealt with, it is not advisable to say more than that the present motion should not be granted, as full disclosure has been made so far as it can usefully be made at this stage. The costs of the motion, in the special circumstances, will be reserved until the main motion is Young, K.C., and A. R. Hassard, for the defendants Rogers and the company.

RICHARDS V. LAMBERT—LATCHFORD, J.—JAN. 13.

Damages—Reference—Report—Appeal—Account—Items.—Appeal by the defendants from the report of the Master at Sandwich upon a reference directed by BOYD, C.; and motion by the plaintiff for judgment on further directions and costs. The plaintiff, as the only shareholder in the Regal Motor Car Company of Canada Limited, other than the four individual defendants, sued the latter and the company and the Regal Motor Car Company of Detroit for damages for diversion of the assets of the company and other wrongs. The Master found the defendants indebted to the plaintiff in the sum of \$12,130.72. LATCHFORD, J., said that the questions in issue were questions of fact, upon which there had been much contradictory evidence; and he was unable to say that the Master was wrong except as to two items amounting together to \$496.52, which should be deducted from the amount found due to the plaintiff, reducing it to \$11,634.20. With this variation, appeal dismissed with costs. Judgment for the plaintiff for \$11,634.20 with costs of action and reference. A. R. Bartlet, for the defendants. J. H. Rodd, for the plaintiff.