

discussion and inquiry at the trial before a jury, without going behind the time of the plaintiff's visit to the theatre, and alleging matters of an earlier date with which this action had no connection, and which might prejudice the jury against the defendants if allowed to remain in the pleadings and be read to them at the opening of the case by the plaintiff's counsel. See *Flynn v. Industrial Exhibition Association of Toronto*, 6 O.L.R. 635; *Loughead v. Collingwood Shipbuilding Co.*, 16 O.L.R. 64, at p. 65; *Gloster v. Toronto Electric Light Co.*, 4 O.W.R. 532. Costs of the motion to the defendant in any event. E. E. Wallace, for the defendant Stair. E. F. Raney, for the plaintiff.

---

NORTH AMERICAN EXPLORATION CO. v. GREEN—MASTER IN CHAMBERS—APRIL 19.

*Discovery—Examination of Officers of Plaintiff Company—Production of Books—Affidavit on Production—Practice.*]—Motion by the defendant for a better affidavit on production and for examination of another officer of the plaintiff company for discovery. The action was brought to have it declared that certain land bought by the defendant was acquired by him only as a trustee for the plaintiff company, of which he was an officer, and for an account, etc. The Master said that the motion for a better affidavit was premature. No ground had yet been laid for that. See *Ramsay v. Toronto R.W. Co.*, ante 420. As to the other branch of the motion, the examination of one officer of the plaintiff company was still pending, it having been adjourned to allow of this motion to be made to get production of the books, etc., of the plaintiff company, which were relevant to the action. The examination shewed that the purchase of the land which gave rise to this action was discussed at meetings of the directors. The examination was vague and indefinite and difficult to understand. It appeared that Mr. Ivens, the president of the plaintiff company, was in communication with the defendant about the matter in question in the action; it was he who gave instructions for the bringing of this action. The officer under examination, on being asked to produce the documents called for by the notice, said that they were not in his possession, but that they could be got from Ivens. The best course seemed to be to close the pending examination, and allow the defendant to examine Ivens and require him to produce the