

tain valuable real property in the city of Hamilton, at the expiration of a lease, in 1918 or 1923, for \$40,000. The plaintiff alleged that the property was worth far more than \$40,000; and that, by reason of his advanced age and ill-health, he was incapacitated from doing business and was induced to enter into the agreements without independent advice or assistance. The defendants obtained and served an appointment for the examination of the plaintiff for discovery, at his own home; but the plaintiff did not appear, being too ill to do so, as was stated on affidavit. The defendants moved for an order requiring the plaintiff to attend for examination at his own expense and for a direction that a qualified physician might attend on the defendants' behalf at such examination; or for an order for the examination of the plaintiff by an alienist or other physician in regard to the plaintiff's alleged physical and mental incapacity. The Master said that there was no difficulty in making an order for the defendant to attend for examination; and at such examination it would be desirable that the plaintiff's medical adviser should be present: *Lindsay v. Imperial Steel and Wire Co.*, 13 O.W.R. 872. It was not to be presumed that the plaintiff would not be able to submit to such examination at his own home; and it was difficult to see how he could hope to get judgment setting aside the later agreement unless he could himself appear at the trial—which would be a much more serious and trying ordeal, even if not a trial by jury. The defendants' solicitors should take out another appointment, after ascertaining the most convenient time for the plaintiff. No further payment of conduct money would be necessary. The costs of the motion should be costs in the cause.—The Master declined to make any order as to the presence of a medical man on behalf of the defendants at the plaintiff's examination or for an examination of the plaintiff by a medical man. The Master referred to *Angevine v. Goold*, ante 1041. He said that he could not see that Con. Rule 462 could be applied, either per se or by analogy under Con. Rule 3. Nor could any assistance be had from 9 Edw. VII. ch. 37, secs. 8 and 9(2), amended by 1 Geo. V. ch. 20. Sections 1 and 2 of the latter Act might give the Court power to aid the defendants; but lunacy matters were excluded from the Master's jurisdiction by Con. Rule 42(5), and what could not be done directly could not be done indirectly.—In the same case, the plaintiff moved for particulars under the counterclaim, chiefly as to the damages alleged to have been caused to the defendants by an interim injunction order obtained by the plaintiff. Counsel for the defendants pointed out that no claim was to be gone into at