

"Laura," unless Nora is to be considered such. It is impossible that he could have meant May, Elizabeth, Katherine, or Cecilia, who were his other sisters, and it is manifest that his sister whose baptismal name was Nora was known to his heart and kept in his memory under the childhood's nickname of Laura.

The case is without doubt, in my view.

The rule must be substantially the same as in the case of a will, and Theobald thus lays it down: "The testator may have habitually called certain persons or things by peculiar names by which they are not commonly known, and this evidence is admissible; thus where the gift was to Catherine Eamley, evidence was admitted to shew whom the testator was in the habit of calling by that name:" 4th ed., p. 221. In *Lee v. Pain*, 4 Hare 201, at p. 251, the legacy was to "Mrs. and Miss Bowden." Mrs. Washbourne's maiden name was Bowden, and the testatrix, who knew her and her daughter intimately, was in the habit of speaking of them as Mrs. and Miss Bowden, and, on the mistake being pointed out, she acknowledged it and said she meant the daughter of Mrs. Bowden. There were no other Mrs. and Miss Bowden who could have been intended, and the Vice-Chancellor, Sir James Wigram, held Mrs. and Miss Washbourne entitled.

There are many cases more or less in point cited in the notes to *Dowset v. Sweet*, Amb. 175, to be found in the edition in the general library, but I do not think it at all necessary or helpful to cite any others.

The money will be paid out, principal and interest, to Nora Moran, less costs of all parties, which are to be out of the fund.

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RIDDELL, J., IN CHAMBERS.

NOVEMBER 28TH, 1910.

RE McLEAN STINSON AND BRODIE LIMITED.

*Company—Winding-up—Petition for—"Party" to Proceeding—President of the Company—Shareholder—Contributory—Cross-examination upon Affidavit of Manager of Petitioning Creditors—Questions—Relevancy—Conspiracy.*

Motion by the Rimouski Fire Insurance Company, the petitioners for an order for the winding-up of McLean Stinson and Brodie Limited, for an order setting aside an appointment issued by Stinson, president of the latter company, for the cross-examination of one Alphonse Audet, assistant-manager of the peti-