

Held, also, that assuming the chain reserve had been so set apart for military purposes, the slope formed no part of such reserve, but always remained part of the waste lands of the Province.

Irving, Q.C. and Moss, Q.C., for the plaintiffs.

Robinson, Q.C., and Harry Symons for the defendants.

Practice.

C.P. Div'l Court.]

HOGABOOM *v.* COX.

[Dec. 23.

Discovery--Examination of party in vacation--Special examiner.

Where a special examiner issues an appointment for the examination for discovery during vacation of a party to an action, such party, is duly subpoenaed, is bound to attend for examination.

A special examiner, although an officer of the Supreme Court of Judicature for Ontario in the sense of being subject to its control and direction, has no office in connection with the court that comes under any rule requiring it to be kept open or closed during any particular period of the year.

Decisions of the Master in Chambers and GALT, C.J., 15 P.R. 23, reversed.

W. R. Riddell for the plaintiff.

A. Hoskin, Q.C., for the defendant.

TOWN OF BARRIE *v.* WEAYMOUTH.

Parties--Joining plaintiffs without authority--Motion by defendants to strike out--Parties to motion--Costs--Solicitors.

By a resolution of the council of a municipal corporation, the mayor and clerk were instructed to grant a certificate under the corporate seal to the solicitors for the other plaintiffs, authorizing them to join the corporation as plaintiffs in this action upon receiving a bond to the satisfaction of the mayor indemnifying the corporation against all costs. A bond was accordingly handed to the mayor, who retained it, but the action was brought by the solicitors, and the corporation joined therein as plaintiffs without the granting of any certificate under the corporate seal. After the action had been begun the mayor informed the defendants' solicitors that no certificate had been issued, and stated that he would not sign one until he had been properly advised by counsel.

Held, that the action was brought in the name of the corporation without authority; and that the defendants had the right to move to have such name struck out.

Semble, that the corporation should have been parties to the motion.

Held, also, that as the solicitors for the plaintiffs other than the corpora-