

tially a club, and its practice in this respect does not differ from that of clubs generally.

Apart from this aspect of the case, I find nothing in the Act of incorporation which limits the field of the association's activities to young men who are members of it; but that which, it is contended, has the effect of disentitling it to the exemption is, in my opinion, well within the powers of the association.

Section 2 of 10 Edw. VII. ch. 163, which amends the respondent's Act of incorporation, was not, as far as I recollect, referred to on the argument. The effect of it is to extend the objects of the association, as defined by sec. 3 of its Act of incorporation, so as to include dormitories, bed-rooms, and lunch rooms, but it is provided that any portion of the buildings and land used for these purposes "shall be subject to assessment and taxation for municipal purposes except in so far as the same may be decided to be exempt therefrom in the action now pending between the association and the Corporation of the City of Ottawa." The action is that in which judgment has just been given, and the effect of the exception is, therefore, I think, to render the provision as to liability to assessment and taxation nugatory.

The appeal fails, and should be dismissed with costs.

DECEMBER 1ST, 1913.

RICHARDS v. LAMBERT.

*Company—Diversion of Assets—Account—Reference—Report—
Findings of Master—Debits and Credits—Agreement—
Quantum Meruit—Appeal—Costs.*

Appeal by the defendants from the judgment of LATCHFORD, J., 4 O.W.N. 646, affirming with a variation the report of the Local Master at Sandwich, dated the 8th April, 1912, made pursuant to the reference directed by the judgment at the trial, dated the 23rd May, 1911, and directing that the appellant the Regal Motor Car Company should pay to the appellant the Regal Motor Car Company of Canada Limited \$11,634.20, with interest from the date of the report, and that the appellants should pay to the plaintiff his costs of the trial, reference, and appeal.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.