

Examination.—Affidavit used on an application in chambers.—Subsequent examination of deponent.—Held, That where an affidavit had been used, and answered the purpose for which it had been filed, an order to examine the deponent upon it will not be granted. Imperial Bank of Canada v. Taylor 244

Examination on affidavit, in deponent's district.—Imperial Bank v. Angus 98

Execution upon judgment obtained under 46 and 47 Vic. c. 23 and amending Act. Held, That execution on a judgment signed under 46 and 47 Vic., c. 23, s. 21, as amended by 47 Vic., c. 21, s. 10, cannot be issued before the expiration of eight days after judgment has been signed. King v. Leary 340

Filing affidavit.—Defendant appearing in person.—Service.—Filing affidavits on motion.—Reference to Judge.—Costs.—Held,
 1. Where a defendant appears in person he is entitled to receive the same notice of proceedings being taken, which a solicitor receives.
 2. Where leave was given to file an affidavit in support of a motion, but the leave was not expressed in the notice, and the affidavit was not filed when the notice was served, but a copy was served with the notice of motion, *Seemle*, sufficient. Geddes v. Miller 365

Further directions.—What can be read.—Revocation of agent's authority.—Collection by agent.—Security.—Held, That on further directions, a defendant may, on the question of costs, read his answer, although it cannot, where replication has been filed, be read as evidence upon the questions in dispute except by consent. Only the decree and master's report, with any intermediate orders or certificates, can be made use of for that purpose. In a suit for an account, by principal against agent, the decree on further directions contained a declaration that the agency of the defendant was revoked, Held, That the decree must be varied, as the plaintiff had power to revoke the authority independently of any decree, and had already revoked it. The decree further declared that the plaintiff should have the exclusive right to the collection of moneys and debts, Held, The decree must be varied, as the moneys and debts were the plaintiff's own moneys, and he had a right to collect them without any such declaration. The defendant claimed to be entitled to a commission of twenty per cent, upon any moneys which might afterwards be received by the plaintiff. The decree directed the plaintiff to give security that he would pay over to the defendant what the defendant might be entitled to receive. Held, The decree must be varied, as if defendant had a right to the commission, he could take such steps as he might be advised to obtain an account and payment. Vivian v. Scoble 192

Garnishing order.—Garnishee.—Affidavit.—Debt due.—"Action pending."—Held, That the omission to state in terms that