

in full satisfaction of one of the alleged causes of action. The plaintiff did not elect to take the money out of Court within the time limited by Rule 424, and judgment was given in favour of the defendant upon the cause of action in respect of which the money was paid in. The judgment did not dispose of the money in Court.

*Held*, that it remained in Court subject to the final order of the Court after the determination of the action, and must be disposed of in accordance with such determination. The plaintiff, having elected to take the money out within the proper time, was not entitled, after judgment, to have the time extended by an order nunc pro tunc, under Rule 353.

*J. T. C. Thompson*, for plaintiff. *Rowell*, for defendant.

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Boyd, C., Robertson, J.] ARTHUR & CO., LTD. *v.* RUNIANS. [Oct. 5.

*Discovery—Production of documents—Application before statement of claim—Pleading—False representations.*

Production of documents should not be ordered to a plaintiff before he pleads, unless the judge is satisfied that the documents called for are essential to the statement of the plaintiffs' claim. In an action for damages for false representations made by the defendants whereby the plaintiffs were induced to supply them with goods and money, and to enter into agreements with them, to the plaintiffs' loss :

*Held*, that it was enough for the plaintiffs to aver in their statement of claim that the goods and money were supplied on the faith of statements, oral and written—specifying them—falsely and fraudulently made ; and this they could do without the production of the defendants' balance sheets, books of account, etc. If particulars were afterwards claimed, it would then be time enough to apply for discovery.

*F. E. Hodgins*, for the plaintiffs. *Swabey*, for the defendants.

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Rose, J.] REGINA *v.* GIBSON. [Oct. 6.

*Criminal law—Procur'g female for prostitution—Commitment—Recital of invalid conviction—Duplicity—Criminal Code, ss. 185, 800.*

A commitment of the defendant to gaol recited a conviction for "unlawfully procuring or attempting to procure a girl of seventeen years to become, without Canada, a common prostitute, or with intent that she might become an inmate of a brothel elsewhere."

*Held*, that the commitment was bad on its face, as it recited a conviction which was invalid for duplicity and uncertainty. The commitment alleged a conviction, and might have been supported under s. 800 of the Criminal Code, if there was a good and valid conviction to sustain it. The conviction returned was that the prisoner, at H., etc., did unlawfully procure a girl of seventeen years, I. D., to become, without Canada, an inmate of a brothel, to wit, a brothel kept by the prisoner at L., in the State of New York, one of the United States of America.