

judgment was entered for the plaintiff. From this judgment the defendant now appealed.

*Held*, 1. The court is governed by our own Court of Appeal in *Bryce v. O'Leary*, 3 A.R. 167, and the later case following it, and must hold that 20 years and not 10 is the period of limitation applicable to an action on a judgment of a court of record.

2. The question whether a writ should be renewed after expiration of it is a matter resting in a judicial discretion of the judge, and whereas here that discretion has been exercised and no appeal is provided, and none had been attempted, the order was binding and the court could not discuss its propriety, or at this stage entertain an objection to the validity of the writ, the foundation of the action, and to which the defendant had appeared without objection.

3. On the application of the defendant to prove a discharge in insolvency as pleaded, issued by the court at Winnipeg in 1881, on the ground that notwithstanding due diligence he had not been able to ascertain, until after the trial, where this discharge had been obtained, that under Consol. Rule 498 the court could entertain the application even in a County Court appeal, notwithstanding R.S.O. c. 55, s. 51, sub-s. 3, and would give leave to adduce the evidence as desired upon payment to the plaintiff within four weeks of the costs of the former trial and of this appeal.

*J. M. Clark*, Q.C., for defendant. *Garrow*, Q.C., for plaintiff.

Boyd, C., Ferguson, J., Robertson J.]

[Dec. 1, 1900.

STANLEY PIANO CO. v. THOMSON.

*Witnesses and evidence — Right to contradict ones own witness on facts material to the issue — Judge's leave — Refusal of.*

Where a witness (whether a party to the action or not) is called by the plaintiff to prove a case, and his evidence disproves the case, the plaintiff may yet establish his case by other witnesses called not to discredit the first, but to contradict him on facts material to the issue, and the right to contradict by other evidence exists though the judge may not grant his permission. Judgment of MACMAHON, J., reversed.

*Shepley*, Q.C., for plaintiff. *Watson*, Q.C., for defendant Thomson, *Bicknell*, for defendants Marcy & Co.

Boyd, C., Ferguson, J.] RITTER v. FAIRFIELD.

[Dec. 1, 1900.

*Judgment in foreign state — Warrant of attorney — Confession — Jurisdiction.*

The general rule is that a judgment valid by the laws and practice of the State where it is rendered or confessed may be sued upon as a ground