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 REPORTS AND NOTES OF CASES
 

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 Province of Ontario.
 

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 HIGH COURT OF JUSTICE.
 

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ARMOUR, C.J.]

BULST v. CURRIE.

[Sept. 3.]

*Discovery—Examination of non-appearing defendant.*

An appeal by the defendant, John Currie, from an order of a local judge at Barrie, requiring the appellant to attend for examination for discovery at the instance of the plaintiff. The appellant had not entered an appearance in the action, and the statement of claim had not been served upon him. The action was, however, proceeding to trial as against the other defendants.

*R. McKay*, for the appellant, contended that the plaintiff was not a "party adverse in interest," within the meaning of Rule 439; and also that the appellant was not examinable because his statement of defence had not been delivered, nor had the time for delivering it expired, as required by Rule 442.

*J. Bicknell*, for the plaintiff.

ARMOUR, C.J., held that the appellant could be examined by the plaintiff, and dismissed the appeal with costs.

 MEREDITH, C.J., ROSE, J.,  
 MACMAHON, J.

[Sept. 7.]

VANSICKLE v. AXON.

*Discovery—Production of documents—Affidavit—Objection to produce—Specification of document.*

Decision of Moss, J.A., ante p. 475, affirmed on appeal.

*R. McKay*, for the plaintiff.

*Lynch-Staunton*, for the defendant, Frederick Axon.

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 FIRST DIVISION COURT COUNTY OF YORK.
 

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MORSON, J.J.]

LEE v. GREEN.

[April 15.]

*Mortgage—Covenant as to taxes—Short Forms Act.*

Action by mortgagees to recover from mortgagor amount paid by them for taxes due in respect of mortgaged lands. The mortgage was in the statutory form. Before the taxes had accrued, default in payment of interest had been made by the mortgagor.