

ment under Ord. xxvii., r. 11 (Ont. Rule 727). Part of the claim (£4462) was for an unliquidated demand, and part of it (£194) for goods sold and delivered, and money had and received. The plaintiff claimed that he should get an immediate judgment for the £194, and a reference to take an account as to the residue of his claim. The Divisional Court (Mathew and A. L. Smith, JJ.) refused to give final judgment on either branch of the claim, and referred the whole claim to an official referee to take an account and report to the court the amount due. From this decision the plaintiff appealed, contending that the whole claim should not have been sent to the referee; but the Court of Appeal (Lord Esher, M.R., and Bowen and Kay, L.JJ.) dismissed the appeal, holding that on such motions the court has a discretion as to the judgment it will pronounce, and is not obliged to give a final judgment (even for a liquidated demand), but may give an interlocutory judgment directing an account to be taken. According to this case, it would appear that the plaintiff would have to move for final judgment on obtaining the referee's report; but in Ontario references of this kind are frequently directed to a master, coupled with a direction for the payment of the amount which shall be found due forthwith after the confirmation of the master's report, whereby a second motion for judgment is usually saved.

ATTACHMENT OF DEBTS—MARRIED WOMAN—EXAMINATION AS JUDGMENT DEBTOR—COSTS.

*Aylesford v. Great Western Ry. Co.* (1892), 2 Q.B. 626. was an appeal to a Divisional Court (Wright and Bruce, JJ.) from a decision of a County Court judge discharging an order for the examination of the plaintiff as a judgment debtor as to her separate estate. The plaintiff (a married woman) had been nonsuited in the action, and the defendant's claim was for the costs of the action. The Divisional Court held that the defendants were entitled to examine the plaintiff as to her separate estate, and allowed the appeal. According to *Troutman v. Fiskin*, 13 P.R. 153, the plaintiff would not have been examinable in Ontario on the ground that the judgment was for costs only.

TRADE MARK—UNREGISTERED TRADE MARK—INFRINGEMENT—INTENTION TO DECEIVE.

*Reddaway v. Bentham Hemp-Spinning Co.* (1892), 2 Q.B. 639, was an action to restrain the alleged infringement of the plain-