

the last case, not being able to discover any such difference between the English statutes and our own as to justify the opposite conclusion. The ground upon which the English cases proceeded was that the right conferred of suing the wife alone in respect of torts committed by her during coverture was an additional right given to the person wronged, and that there was nothing in their Acts to take away from him his common law right of suing the husband and wife jointly, and there is nothing in our Acts before 47 Vict. ch. 19 to enable the Court to say that the common law right is taken away, if upon the provisions of the English Acts it was not.

Appeal dismissed with costs.

BRITTON, J.

NOVEMBER 23RD, 1903.

WEEKLY COURT.

GURNEY FOUNDRY CO. v. EMMETT.

*Evidence—Cross-Examination of Deponent on Affidavit—Motion for Injunction — Production of Documents on Examination—Undertaking to Produce—Answers to Questions—Relevancy of Questions — Sufficiency of Answers—Trade Union—Details as to Employer's Business.*

Motion by defendants for an order to commit W. C. Gurney to gaol for contempt in not producing on his examination on his affidavit certain books, letters, and documents, and for refusal to answer certain questions, or for an order for production and attendance at his own expense for further examination, etc.

J. G. O'Donoghue, for defendants.

E. E. A. DuVernet, for plaintiffs.

BRITTON, J.—On 28th August, 1903, W. C. Gurney, who is the second vice-president of the plaintiff company, made an affidavit which was for the purpose of, and was part of the material used on, an application for an injunction herein.

On the 20th October Gurney was examined at great length upon this affidavit, and it is in reference to the refusal to produce papers, and to answer questions on that examination, that this application is made.

On the 9th November the Chancellor made an order (ante 959) restraining the defendants from issuing and publishing the placards, posters, and printed matter complained of, or any like productions till the trial or further order.