

difference as to the responsibility incurred by them according to the laws of Upper Canada, and what they would have incurred according to the laws of Lower Canada, but which at the time of filing their answer they were not aware did exist; they then moved the Court, upon affidavits setting forth these facts, to be allowed to file a supplemental answer, for the purpose of stating the fact of foreign domicile, and the law of Lower Canada, according to which alone they had always acted.

*Held*, that under the circumstances, they ought to be allowed to file a supplemental answer, for the purpose of placing these facts upon the pleadings; and *held*, also, that although the effect of such permission might be to enable the parties to set up a defence of the want of jurisdiction in the Courts of this Province, to interfere in the subject matter of the suit, still that was not any objection against it, but rather a reason why they should be permitted to file the supplemental answer.

Torrance v. Crooks, 230.

*Held, per Cur.*, (*Esten, V.C., dissentiente*), that the practice hitherto pursued in the Court of Chancery of confirming the Master's report, when the account has been taken *ex parte*, and without notice to the defendant, is irregular; and that the Court was right in refusing to confirm the report, notwithstanding that had been the practice ever since the order in question was made —[1 Grant's Ch. Rep. 257.]

Hawkins v. Jarvis, 246.

4. *Held*, affirming the judgment of the Court below, that a writ of execution against the goods of an absconding debtor, issued upon a judgment entered up prior to his absconding, was entitled to priority over writs of attachment placed in the Sheriff's hands before such execution; notwithstanding the judgment, upon which it had been sued out, was entered up upon a cognovit in a cause in which no process had been served or executed before the suing out of the writs of attachment. [Sir J. B. Robinson, Bart., C.J., *McLean, J.*, and *Spragge, V.C.*, dissenting.]

Carroll v. Potter, 341.

See also "Delivery of Goods."

"Evidence."

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PRINCIPAL AND AGENT.

See "Specific Performance," 1.