

J. A. Paterson, K.C., for defendant.

W. E. Middleton, for plaintiff.

THE COURT (MULOCK, C.J., ANGLIN, J., CLUTE, J.),
dismissed the appeal with costs.

CARTWRIGHT, MASTER.

OCTOBER 1ST, 1907.

CHAMBERS.

COATES v. THE KING.

*Pleading — Amendment — Petition of Right—Consent of
Crown—Rules of Court.*

Motion by the suppliants for leave to amend the petition of right so as to read in the 14th paragraph that the suppliants "at the request of the said Government purchased" the second issue of treasury bills. The facts are stated in a former report, ante 462.

Featherston Aylesworth, for the suppliants.

N. Ferrars Davidson, for the Crown.

THE MASTER:—The motion was supported by Rule 929, which, it was argued, empowered the Court to deal with a petition of right in regard to the proposed amendment as if it was an ordinary action.

Rule 929 is substantially the same as sec. 7 of the Imperial Act 23 & 24 Vict. ch. 34. In Clode on Petition of Right, p. 176, this section is discussed, and it is shewn that "the Crown has always had a certain prerogative in matters of pleading and procedure which has not been taken away by this statute."

The cases of *Thomas v. The Queen*, L. R. 10 Q. B. 44, and *Tomline v. The Queen*, 1 Ex. D. 252, shew that as respects discovery the rights of a suppliant are not co-extensive with those of the Crown.

In the latter case *Bramwell, L.J.*, points out that this is also the case as to security for costs.