

the premises, and added: "All machines . . . in course of construction, or which shall hereafter be in course of construction or completed . . . upon the premises . . . or which are now or shall be on any other premises in the said city." The machine in question was constructed upon premises other than those described in the mortgage, the mortgagors having removed their works after the mortgage was made.

*Held*, that it was not covered by the mortgage.

*Horsfall v. Boisseau*, 21 A.R. 663, distinguished.

Judgment of ROSE, J., upon this point affirmed.

*McEvoy and W. A. Wilson* for the plaintiff.

*Gibbons*, Q.C., for the defendants.

Court of Appeal.]

CLOUSE *v.* COLMAN.

[June 25.

*Discovery—Bodily injury—Examination by medical practitioner—54 Vict., c. 11—Questions—Leave to appeal.*

Leave to appeal from the decision of the Queen's Bench Divisional Court, *ante* p. 389, was refused, this court being of opinion that it was clearly right.

*H. S. Osler* for the plaintiff.

*Arnoldi*, Q.C., for the defendant.

MEREDITH, J.]

MCLAREN *v.* WHITING.

[June 26.

*Partnership—Receiver—Interim sale of assets.*

Under special circumstances an order may be made, in an action for the dissolution and winding up of a partnership, for the sale of assets by the receiver before the trial.

And such an order was made where it was shown that the partnership was insolvent; that the value of the assets would be lessened if they were not disposed of at once; that, as to most of them, the present was the most advantageous time for disposing of them; that the creditors were pressing and likely to take legal proceedings; and that the mortgagees of some of the assets were proceeding to realize upon their securities.

*R. B. Beaumont* for the plaintiff.

C.P. Div'l Court.]

PARKER *v.* MCLWAIN.

[June 29.

*Attachment of debts—Rents—Ex parte orders—Rescission of—Application of mortgagee—"Party affected"—Suggestion of claim—Concealment—Rules 536, 935, 940, 944—Notice to tenants.*

The plaintiff, having an unsatisfied judgment against the defendant in the High Court, obtained from the Master of Chambers, *ex parte*, two orders, under Rules 935 and 940, attaching as debts due to the defendant certain rents owing by his tenants, the garnishees, and summoning them to appear before a County Court judge to show cause why such rents should not be paid