

differences of opinion on the part of the Judges before whom the question has come, and that the construction of this section is, as affecting other than the parties to this litigation, a matter of public interest, a further appeal should be and is allowed upon security being given. Costs of motion to be in the appeal.

Lindsey & Wadsworth, Toronto, solicitors for plaintiff.

Beatty, Blackstock, Nesbitt, Chadwick, & Riddell, Toronto, solicitors for defendants

JANUARY 30TH, 1902.

COURT OF APPEAL.

McKENZIE v. McLAUGHLIN.

*Leave to Appeal—Special Circumstances — Discovery—Amendment after—Practice.*

Motion by plaintiff for leave to appeal from order of a Divisional Court, *ante*, p. 58.

I. F. Hellmuth, for plaintiff.

G. F. Shepley, K.C., for defendant.

At the conclusion of the argument the Court (ARMOUR, C.J.O., OSLER, MACLENNAN, MOSS, LISTER, J.J.A.)—*Held*, that this was not a case of character or importance warranting the granting of special leave to appeal; that no real harm or prejudice would arise to plaintiff by his answering the questions; and that the constant practice is to amend the defence according to what is brought out on examination for discovery. Motion dismissed with costs.

ROBERTSON, J.

JANUARY 31ST, 1902.

CHAMBERS.

HUNT v. ROBINS.

*Judgment Debtor—Examination—Making Away with Property—Commitment—Rule 907.*

Metropolitan Loan, etc., Co. v. Mara, 8 P. R. at p. 360, followed.

Motion by plaintiff to commit defendant Alson Robins under Rule 907.

Charles Millar, for plaintiff.

J. A. Keys, St. Catharines, for defendant Alson Robins.