

And where, before the hearing of an appeal, the respondent moved in Chambers for an order allowing him to enforce the order appealed against without prejudice to his cross-appeal ;

*Held*, that it was not for a Judge in Chambers, in advance of the appeal, to determine a question which might arise on the appeal itself, viz., whether the enforcement of the order would be an answer to the cross-appeal.

*Arnoldi*, Q.C., for the American Watch Case Co.

*C. J. Holman* for the liquidators of the Charles Stark Co.

Chy. Div'l Court.]

[Dec. 15.]

SCOTT v. NIAGARA NAVIGATION CO.

*Infants—Next friend—Foreigner—Security for costs.*

The defendants appealed from the order and decision of BOYD, C. reported 15 P.R. 409, and their appeal was argued before a Divisional Court composed of FERGUSON and MEREDITH, JJ., on the 15th December, 1893.

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

*W. J. Elliott*, for the plaintiffs and the next friend, was not called on. The court dismissed the appeal.

Court of Appeal.]

[Dec. 22.]

SEARS v. MEYERS.

*Writ of summons—Service out of jurisdiction—Rule 271—Objection to allowance of service—Waiver—Appearance—Leave to appeal.*

Upon a motion by the defendant for leave to appeal from the decision of the Common Pleas Divisional Court, 15 P.R. 381 ;

*Held*, that the defendant by appearing submitted to the jurisdiction, and the justice of the case consisted in allowing him to remain in the position in which he had placed himself, and there was no reason for giving leave to appeal.

*H. M. Mowat* for the defendant.

C.P. Div'l Court.]

[Dec. 30.]

BEATON v. GLOBE PRINTING COMPANY.

*Discovery—Libel—Justification—Examination of plaintiff before delivery of defence—Rule 566.*

In an action for libel against the publishers of a newspaper, the managing editor of the defendants stated on affidavit that the article complained of was published by the defendants in good faith in the public interest, not maliciously, nor with any intent to defame the plaintiff, but in the belief that the facts stated were substantially true, and such as should, in the interests of justice, be made public ; that the article was, as it purported to be, copied from a New York newspaper, and was copied by a large number of other newspapers in Ontario ; that it was material and necessary in the defendants' interest to have the plaintiff examined on oath before delivery of the statement of defence, in order to