On examination for discovery defendant was asked to give particulars of these sales, but declined to do so on advice of counsel.

Plaintiffs moved to have these questions answered.

W. N. Tilley, for plaintiffs.

R. B. Henderson, for defendant.

CARTWRIGHT, K.C., MASTER:—No doubt the general rule is that parties are not required to give the names of their witnesses. Here, however, it seems that defendant is claiming about $1,000 as damages arising out of the rejection of the oil supplied by plaintiffs after it had been sold by defendant to his customers on the assumption that it was of the quality to be supplied by plaintiffs.

The point seems to be covered by the decision in *Ontario Fruit Co.* v. *Hamilton, Grimsby & Beamsville Rw. Co.*, and *Ontario Fruit Co.* v. *Grand Trunk Rw. Co.*, 21 O. W. R. 82, at p. 86. See, also, *Scott* v. *Membery*, 3 O. L. R. 252.

Here the defendant who counterclaims is really a plaintiff asking damages from his vendors They, in my opinion, are entitled to the information such as was ordered in the *Ontario Fruit Case*, supra.

The motion is entitled to prevail, the costs should be to plaintiffs in the cause.

HON. MR. JUSTICE RIDDELL IN CHRS. MAY 20TH, 1912.

BROWN v. ORDE.

3 O. W. N. 1312.

Appeal — Leave to Appeal — To Divisional Court — From Judge in Chambers—Action for Slander—Discovery.

RIDDELL, J., refused leave to appeal to Divisional Court from order of Middleton, J., 22 O. W. R. 38; 3 O. W. N. 1230. No reason to doubt soundness of order.

Motion for leave to appeal from a judgment of HON. MR. JUSTICE MIDDLETON, dismissing an appeal from the judgment of HIS HONOUR JUDGE MCTAVISH, directing the plaintiff to answer certain questions which he had refused to answer upon his examination for discovery. See 22 O. W. R. 38.