

Per GRAHAM, E.J., and RUSSELL, J., that the conviction should be quashed.

Roscoe, K.C., for the prisoner. *Cluney*, for the Crown.

Province of Manitoba.

KING'S BENCH.

Mathers, J.] THEO NOEL CO. v. VITÆ OZÆ CO. [Aug. 15.

Discovery—Injunction against use of trade name—Questions tending to shew misrepresentation by plaintiffs as to their goods.

Motion to compel the plaintiffs' manager to answer certain questions which he had refused to answer when cross-examined on his affidavit filed in support of the plaintiff's motion for an injunction to restrain the defendants from advertising, etc., any medicinal preparation, under the name of Vita Ozæ or V. O. or any names resembling the same or calculated to mislead the public.

The questions were directed to the point whether, as contended by the defendants, the advertisements of the plaintiffs' preparation contained misrepresentations as to their curative value and ingredients.

Held, that the truth or falsity of the advertising matter put forth by the plaintiffs was relevant to the motion for an injunction and that the questions must be answered.

Minty, for plaintiffs. *O'Connor* and *Blackwood*, for defendants.

Province of British Columbia.

SUPREME COURT.

Full Court.] NEVILLE P. KELLY. [June 7.

Master and servant—Injury arising out of and in the course of employment.

While engaged in chipping the burrs from a steel plate with