

*Held*, that a detached dwelling house divided into three suites of apartments; each of which was to be separately let and occupied with one front door and a common entrance and staircase, did not come within the restrictions.

*F. J. Dunbar*, for purchaser. *R. D. Hume*, for vendor.

Middleton, J.] VANHORN v. VERRAL. [Dec. 27, 1911.

*Discovery—Examination of defendant—Disclosing names of witnesses.*

Appeal by defendant from an order of the Master in Chambers directing further discovery. The accident giving rise to the action was a collision between the plaintiff's waggon and the defendant's automobile. On the examination the defendant declined to give the name and address of the driver of the automobile or the names of the passengers in the automobile.

*Held*, 1. The defendant was compelled to give the name and address of the driver, but not the names of the passengers.

2. Discovery must be confined to the matters in issue in the action. The issues in this case related to the happening of the accident and the negligence of the parties; and the fact that there may have been spectators is not relevant, nor is their identity of any importance, save as possible witnesses.

*Thurston*, K.C., for defendant. *McCullough*, for plaintiff.

## Province of Manitoba.

### COURT OF APPEAL.

Full Court.] KELLY v. McLAUGHLIN. [Dec. 19, 1911.

*Restraint of trade—Covenant not to carry on named business in certain territory during specified term—Injunction—Evidence.*

On transferring to the plaintiffs his shares in a company dealing in automobiles and their accessories, the defendant covenanted that he would not engage in, carry on, be interested in, have money invested in or hold shares in any business similar to or in competition with the business carried on by the said company in the Provinces of Manitoba, Saskatchewan, or Alberta, for a period of five years. The company had power to engage in other lines of business.