

prostitution, and that the action involved the taking on an account in respect thereof, and was of an indecent character and unfit to be dealt with, and he dismissed it out of the Court of his own motion, the formal judgment stating that "this Court doth of its own motion, and without adjudicating as between the plaintiff and defendants on the matter in dispute between them, order that this action be and the same is hereby dismissed out of this Court with costs."

*Held*, that the order dismissing the action would have precluded the plaintiff from again suing in respect of any of the causes of action included in the statement of claim; and that the plaintiff should have been allowed to prove her case in respect to those causes of action against which there was no objection.

Judgment of IRVING, J., set aside.

*Bird and Brydone-Jack*, for appellant. *Martin*, K.C., for respondents.

## North-West Territories.

### SUPREME COURT.

Scott, J.]

LEADLEY *v.* GAETZ.

[Nov. 21, 1903.]

*Discovery of documents—Non compliance—Application to dismiss action—Failure to endorse notice on order—Rule 330.*

Rule 330 requires that on every judgment or order requiring any person to do an act there shall be endorsed a memorandum in the words or to the effect following, namely, "if you the within named A. B. neglect to obey this judgment (or order) by the time therein limited, you will be liable to process of execution for the purpose of compelling you to obey the same judgment (or order)."

*Held*, that this rule applies to orders for discovery of documents and where a copy of such an order served was not endorsed as provided, an application to dismiss the action for non compliance with the order was refused.

*Crawford*, for plaintiffs. *Beck*, K.C., for defendant.

Scott, J.]

EGGLESTON *v.* C. P. R. Co.

[Jan. 28.]

*Discovery—Officer of corporation—Railway company—Station agent—Section foreman—Chief clerk in office of general superintendent.*

A station agent in the employment of a railway company is an officer thereof within the meaning of Rule 201 and may be examined for discovery under the provisions of that rule.

But a section foreman is not such an officer nor is the chief clerk in the office of a general superintendent.

*McDonald*, for plaintiff. *Newell*, for defendant.