

veyance, it might otherwise have been impossible to have made a decree to that effect.

I now dispose of the case as follows:—

The defendants will procure and deliver to the plaintiff from the father of the defendant Douglas, as they have intimated to me they can, a reconveyance of the lands mentioned in paragraph 4 of the statement of claim. The plaintiff will reconvey to the defendant Douglas the lands referred to in paragraph 2 of the statement of claim. The defendant Douglas will release the plaintiff from and indemnify him against his covenant with respect to the mortgage mentioned in paragraph 4. The plaintiff will have judgment against both defendants for damages in the sum of \$100 and his costs of suit, inclusive of the examinations for discovery.

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REX v. ROSSI—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—OCT. 16.

*Liquor License Act—Conviction for Selling without License—Motion to Quash—Finding of Magistrate.*]—Motion by the defendant to quash a magistrate's conviction for selling intoxicating liquor without a license. The Chief Justice said that, as the magistrate had found as a fact that the defendant sold liquor, the Court could not interfere. *Williamson v. Norris* (1829), 1 Q.B. 7, is under a different statute and upon a different state of facts. Motion dismissed with costs. J. Haverson, K.C., for the defendant. J. R. Cartwright, K.C., for the Crown.

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KIPPEN v. BALDWIN—MASTER IN CHAMBERS—OCT. 19.

*Discovery—Medical Examination of Plaintiff—Action for Damages for Personal Injuries—Admission of Liability—Case Set down for Assessment of Damages only—Con. Rules 442, 462.*]—Motion by the defendant for an order for the examination of the plaintiff by a surgeon, pursuant to Con. Rule 462. The plaintiff was struck and injured by the defendant's automobile. The defendant admitted liability, and the case was set down for assessment of damages only. It was contended that in such a case there could not be discovery under Con. Rule 442, and that, as the medical examination was in the nature of discovery, it could not be granted. The Master said that the answer to this seemed to be, that there is a trial pending, the parties being at