

## Province of British Columbia.

## SUPREME COURT.

McCull, C.J.]

IN RE LEV.

[Jan. 23.]

*Creditor's Trust Deeds Act—Exemption of personal property under Homestead Act—Remuneration of trustee—Costs.*

Debtors, a firm of builders, assigned under the Creditor's Trust Deeds Act, all their personal property, credits and effects that might be seized and sold under execution.

The assets were not sufficient to pay any part of the claims of ordinary creditors, and two members of the firm claimed, as exemption, chattels to the value of \$500.00 each (under the Homestead Act) selected out of the lumber and materials around the factory of the firm.

*Held*, on an originating summons for directions, that by the form of assignment the claimants were precluded from claiming exemption. Trustee's remuneration in this case fixed at five per centum.

*Davis*, Q.C., for the summons. *Williams*, for debtors. *Bowser* and *Bull*, for creditors.

Full Court.] BANK OF BRITISH COLUMBIA v. OPPENHEIMER. [Feb. 23.]

*Practice—Discovery—Affidavit of documents—Sufficiency of description in affidavit—Privilege.*

Appeal by defendants from an order of MARTIN, J., dated 6th January, 1900, dismissing an application of the defendants for further and better particulars, and cross-appeal by plaintiffs from that part of the said order of MARTIN, J., which ordered that the paragraph claiming exemption in Mr. Murray's affidavit should be struck out. The action was on promissory notes indorsed by defendants. The defendants obtained the common order of discovery, and Mr. Murray, the plaintiff's manager, filed an affidavit setting out in a schedule all the documents in his possession; and at the end he gave this description: "Various dates. Plaintiffs' books of account showing their dealings with the defendant Horne in relation to the promissory notes sued on herein." On November 4th, the defendants took out a summons for a further affidavit of documents, and particularly of the documents above mentioned. On 7th November, Murray filed a further affidavit stating that the documents consisted of voluminous entries from 30th March, 1892, to 24th August, 1894, in the current ledgers and bill registers, which they objected to produce as they contained nothing to impeach the plaintiff's case or support the defendants as they related to defendant Horne's accounts.