

CARTWRIGHT, MASTER.

NOVEMBER 3RD, 1904.

CHAMBERS.

COLEMAN v. HOOD.

Judgment Debtor—Transfer of Shares in Company—Injunction to Restrain Further Transfer — Examination of Transferee—Aid of Execution—Affidavit.

Motion by plaintiff for an order requiring defendant McIndoe to attend at his own expense for re-examination and to answer certain questions which he refused to answer upon an examination for evidence on a pending motion.

W. E. Middleton, for plaintiff.

W. J. Boland, for defendant McIndoe.

THE MASTER.—An interim injunction was granted in this case restraining defendants from dealing with certain stock alleged to be the property of defendant Hood, plaintiff having on 2nd September, 1904, recovered judgment for about \$3,600 against Hood. Plaintiff moved to continue the interim injunction, and for the purpose of that motion examined defendant McIndoe on 28th October. McIndoe admitted that he had been the holder of 200 shares of the stock in question. He said he thought they belonged to the wife of his co-defendant Hood, but could not give any very good reason for this opinion. He had already stated that he had transferred these shares about 6 months ago, but declined to say to whom or to produce a copy of the instrument of transfer.

From an affidavit of plaintiff made on 31st October it appears that no such transfer of the shares has ever been registered, and that the shares still stand in the books of the company in the name of McIndoe. From the same affidavit it further appears that the stock was originally issued to Hood, and the transfer to McIndoe was made at his request.

This affidavit was objected to, but I think it should be admitted, on the ground that this whole proceeding is really part of the procedure under the O. J. Act in aid of execution, and for the same reason I think that defendant should attend and answer the questions asked. Otherwise a judgment debtor might in many cases set his creditor at defiance. The whole of this procedure is remedial, as was said in