

I think the decree should be affirmed and, if of any use to give costs, with costs. 1875.

Lindsay
Petroleum
Co.
v.
Pardee.

On the other points that were argued, I think there was a salable interest, and that we could not hold otherwise while *Parke v. Riley (a)*, stands, but that the defendant could not be permitted to hold the purchase as against the plaintiffs.

MITCHELL V. MITCHELL.

Appeal from ruling of Master—Master's Office—Practice—Vacation.

In proceeding before the Master a warrant was issued during long vacation for the defendant to bring in accounts, which the Master having ruled was regular, an attachment thereupon was issued to compel the necessary production; and to escape the attachment the defendant did produce the required papers: *Held*, that it was too late for the defendant afterwards to appeal against the Master's ruling.

When a party desires to appeal from the ruling of the Master, it is incumbent on him to do so within fourteen days, the time given for appealing from a report, although no time is limited for appealing from a ruling of the Master; as, unless he does appeal within that time, unnecessary expense may be incurred in taking proceedings under such ruling.

A party is in contempt although no attachment may have actually issued; the contempt consisting in the disobedience to an order of the Court, and the fact of the disobedience having been made to appear to the satisfaction of the proper officer who has made an order for an attachment to issue.

A party though in contempt is always allowed to take any defensive proceeding in the cause.

This was an appeal by the defendant from the Master at Brantford, and a motion by the plaintiff to strike the appeal out of the list of cases on the ground that the Statement.