

pany in his possession and control and for his refusal to answer questions put to him on his examination, or, in the alternative, for an order for his attendance at his own expense before the Local Registrar at Chatham and submitting to further examination, and to make proper and sufficient production.

The examination of Fremlin was had for the purpose of answering on the corporation's behalf an application made by Pang Sing, a Chinese laundryman, carrying on business in Chatham, to quash a by-law passed by the council of the corporation imposing a license fee of \$50 on laundrymen and prohibiting them from carrying on their business in a building having an inside door or other opening or means of communication between the laundry premises and any apartment usually used for eating, living, or sleeping.

In support of the application were to be read affidavits made by the applicant and another Chinese laundryman named Sing Lung. Each of the deponents testified as to his annual income from the business carried on by him and the expenditure incurred in carrying it on, and swore that, if he was compelled to pay the license fee imposed and to live away from his laundry, he would not be able to continue his business, as in that event it would be impossible for him to "make ends meet," and the deponent Sing Lung further testified that there were nine Chinese laundries in Chatham, and that he believed it would be impossible for them to continue in business if the license fee of \$50 was exacted from them.

The purpose of the examination of Fremlin was to discover what moneys the applicant and the other Chinese laundrymen carrying on business in Chatham had remitted to China or other places outside of Chatham, through Fremlin's office, during the years 1908 and 1909, and by means of this information to contradict the testimony of the applicant and Sing Lung as to the income derived by them and the other Chinese laundrymen from their business.

The appeal was heard by MEREDITH, C.J.C.P., TEETZEL and SUTHERLAND, JJ.

H. L. Drayton, K.C., for the appellants.

Shirley Denison, for the respondent.

The judgment of the Court was delivered by MEREDITH, C.J.:—It does not, I think, follow as a matter of course that, even if the evidence which the appellants are endeavouring to obtain from Fremlin would be admissible on the issue raised by the affidavits, the order for his committal for refusing to answer the questions put to him should be made. While it may be possible that at a trial