

Motion by defendant to oblige plaintiff to attend for further examination, and answer questions previously refused.

R. H. Parmenter, for motion.

M. A. Secord, K.C., contra.

CARTWRIGHT, K.C., MASTER:—The action is brought by plaintiff as a creditor to set aside a sale of the assets of an insolvent estate, on the ground that one of the inspectors (a brother of the plaintiff) was interested in the purchase and that such sale was not authorised by the creditors, and was made at an undervalue. The statement of the defence alleges sufficient instructions to sell, and that the inspector in question took no part in the arrangements for the sale, and that if he had any interest in the purchase, the defendant was not aware of it.

It also says that plaintiff has no status to maintain the action. I have read the plaintiff's examination. He is plainly mentally affected though all relevant questions were sufficiently answered. Except as to his own status as a shareholder he could not be expected to give any useful information on the issues in this case.

As notice of trial has been given for 4th March, and defendants are anxious to have it disposed of then, no good purpose will be served by ordering plaintiff to be further examined. He must attend and give evidence at the trial, and can then be fully examined.

At present the motion will be dismissed with costs in the cause.

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MASTER IN CHAMBERS.

FEBRUARY 25TH, 1913.

CANTIN v. CLARKE.

4 O. W. N.

*Pleading—Statement of Defence—Motion to Strike out Paragraphs—Relevancy.*

MASTER IN CHAMBERS refused to strike out certain paragraphs of the statement of defence, holding them to be relevant.