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CARTWRIGHT, MASTER.

JUNE 15TH, 1903.

CHAMBERS.

HOLME v. MCGILLIVRAY.

*Judgment Debtor—Examination of Transferee—Evidence of Transfer
—Depositions—Affidavits.*

Motion by plaintiffs for an order under Rule 903 for the examination of the defendant's wife as a transferee of property of defendant, against whom plaintiffs had a judgment for the recovery of money.

A. R. Clute, for plaintiffs.

R. S. Waldie, for defendant and wife.

THE MASTER.—The material consists of: (1) the usual affidavit of a member of plaintiffs' firm and the examination of the defendant as a judgment debtor; (2) affidavits of defendant and wife in answer; (3) affidavit of R. S. Holme in reply; (4) affidavit of D. L. Robb filed by defendant.

The plaintiffs also wished to use a copy of the depositions of defendant when examined as a witness last April in an action brought by the above named Robb against one Samis. To this Mr. Waldie objected, relying on the observations of Osler, J.A., in *Ray v. Port Arthur, Duluth, and Western R. W. Co.*, ante 345, 347. I think the objection must prevail, and that this evidence cannot be looked at on this motion.

The depositions of defendant . . . are amazing, and I shall certainly consider them incredible until some Court has been found to have accepted them. He states that, though he manages the whole business of McGillivray & Co. (which he says is his wife), and signs cheques in his own name, and looks after business for other incorporated com-