

which he deposed that the judgment remained unsatisfied except as to \$20 which had been paid on account; and on that day an order was made giving the leave.

Execution was issued, pursuant to this leave, on the 15th April, 1914.

On the 16th May, 1914, the respondent gave notice that she would on the 20th May apply to the Judge presiding in the Weekly Court for an order permitting her to appeal from the order of the Master in Chambers and for an order setting aside that order, the writ of execution issued in pursuance of it, and an appointment which the appellant had obtained for the examination of the respondent as a judgment debtor, on the grounds that the order was made without notice to the respondent, that it was obtained on insufficient evidence, that it did not revive the judgment, that the writ of execution was improperly issued, and upon other grounds. The motion came on to be heard on the 26th May, 1914, when the order against which this appeal is brought was made.

I have come to the conclusion, not without regret, that the appeal fails and must be dismissed.

I am inclined to think that, had the order in Chambers been made prior to the coming into force of the new Rules, the Master's order would have been supported on the ground that special circumstances existed which warranted the making of it on the ex parte application of the appellant; but I agree with the learned Chief Justice that under the new Rules it was not proper to make the order ex parte.

Rule 215 is explicit as to the necessity of notice of the application being given to the respondent. . . . "Any application in an action or proceeding shall be made by motion, and notice of the motion shall be given to all parties affected by the order."

Mr. Wilkins contended that the order could be supported under Rule 216; but this is not so. The Rule authorises the making of an interim order ex parte if the Court is satisfied that the delay necessary to give notice of motion might entail serious mischief; but the order in question was not an order of that nature.

It was also contended that the time for moving against the Master's order ought not to have been extended; but that was a matter which lay in the discretion of the Chief Justice, and with the exercise of that discretion we cannot interfere. The power to enlarge the time is conferred by Rule 176.