

record ; but I think without sufficient ground. No rule excludes the production of papers at enquête unless they are set out in the pleadings. In the present case they are not of any use, but they must remain, and the motion be dismissed.

F. X. Archambeault, pour Demandeur.

J. A. Perkins, pour Défendeurs.

COUR SUPÉRIEURE,—MONTREAL, 31 MARS 1874.

Coram : JOHNSON, J.

LAJOIE vs. POULIN *et al.*

FAILLITE : —CONTRAT FRAUDULEUX : —PRÉFÉRENCES FRAUDULEUSES
NULITÉ.

The Defendants here are father and son—the latter being a bankrupt, and the Plaintiff, as assignee to his estate, sues them both to set aside certain transactions that took place between them within 30 days of the assignment, and to get possession of a number of notes, drafts and securities belonging to the estate. The elder Poulin alone pleads to the action, substantially setting up his good faith in all his transactions with his son, and denying all other allegations of the declaration. The proof is very compact and decisive and would interest none but the parties, if it were referred to at length. A stand was taken by the defendant upon the absence of proof of identity of the father with the Pierre Poulin, senior, whose deposition is produced, which was taken in another case; and of that of the son with the bankrupt examined in the Insolvent Court. These documents, however, supply inherent evidence of the identity of both of these parties, as well as of the relation in which they stood towards each other, and they dispose conclusively of the case by distinctly admitting the facts. The father had no debt against the son, yet he gets all his estate, and even