

HON. MR. JUSTICE BRITTON:—Having regard to the litigation antecedent to the present motion, and in deference to what has been decided, I must dismiss this motion.

What has been decided is set out in the reasons given by the Master of Titles in his reasons for judgment, given on 6th February last, and filed on this motion.

At this stage, and upon the present application, I should not give leave to appeal as asked, but should leave the parties to get to trial as speedily as possible and make the fight, which one may hope to be final, on what is the subject-matter of this action. The motion will be adjourned until the trial and costs will be costs in the cause, unless otherwise ordered by the trial Judge.

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HON. MR. JUSTICE BRITTON.

APRIL 17TH, 1914.

BELL v. ROGERS.

G O. W. N. 243.

*Debtor and Creditor—Judgment Debtor—Examination of—Refusal to be Sworn or Examined—Motion to Commit for Contempt—Dismissed by Britton, J. — Order for Further Examination on Payment of Conduct-money.*

Motion by the plaintiff to commit the defendant for contempt in refusing to be sworn and refusing to answer lawful questions to be put to him upon his examination.

J. P. MacGregor, for the plaintiff.

M. Lockhart Gordon, for the defendant.

HON. MR. JUSTICE BRITTON:—Upon the papers filed and what was stated upon the argument, it is clear that a case has not been made for an attachment, and the motion will be dismissed, but under the circumstances without costs.

It is equally clear that the plaintiff is entitled to have a further examination of the defendant as judgment debtor, and the plaintiff should not be put to the additional expense of making a special application for an order for such further examination. As Judge in Chambers I order that upon an appointment being taken out and served upon him, and upon being paid his conduct money, the defendant do attend pursuant to such appointment and that he answer all such lawful questions as may be put to him upon such examination as a judgment debtor.