

judgment setting aside a certain deed of lands, and declaring that such lands are the property of defendant George Sleeman, and that defendant Sarah Sleeman is a trustee thereof for him, and making such lands available for payment of the debts of defendant George Sleeman to plaintiffs and other creditors; (4) judgment declaring that defendant Sarah Sleeman is the trustee of or otherwise holds certain other lands for defendant George Sleeman; (5) in the alternative, judgment declaring that all buildings, machinery, equipments, and goods upon the premises used in connection with or forming part of the new brewery and brewing business, are part of the assets of the estate of defendant George Sleeman, and available for payment of his debts; (6) such further and other relief as might seem just. Upon the plaintiffs examining defendants George and Sarah Sleeman, their counsel objected to their answering any questions as to the persons forming the firms of Sleeman & Sons, George Sleeman's Sons, or Sleeman Brothers, and as to whether they had any interest in the brewery business, or whose business it was, or as to defendant George Sleeman's connection therewith, or as to the erection thereof by him, or whether any of his money went into the brewery or the building, and whether the brewery was built, completed, and fitted up with machinery and in operation or not.

W. R. Riddell, K.C., for plaintiffs, contended that the prayer for general relief entitled them to the discovery sought, citing *Watson v. Hawkins*, 24 W. R. 884; *Phillips v. Royal Niagara Hotel Co.*, 25 Gr. 358; *Slater v. Canada Central R. W. Co.*, *ib.* 363.

W. M. Douglas, K.C., for defendants.

THE MASTER acceded to the argument of plaintiffs, referring also to *Columbia National Bank of Lincoln v. Baldwin*, 90 N. W. Rep. 890.

On the question of plaintiffs' right to discovery, the Master referred to *Orr v. Draper*, 4 Ch. D. 92; *Brown v. Wales*, L. R. 15 Eq. 142. He held that no question can be raised as to the right of plaintiffs to maintain this action. As defendants admit that plaintiffs are creditors of defendant George Sleeman, and plaintiffs bring the action on behalf of all creditors of that defendant in order to obtain assets which they allege he fraudulently conveyed and transferred in order to defeat, hinder, and delay his creditors, it is not necessary that they should have obtained judgment against their debtor before bringing the action: *Reese River Silver Mining Co. v. Attwell*, L. R. 7 Eq. 347; *Longeway v. Mitchell*, 17 Gr. 190; *McCall v. Macdonald*, 13 S. C. R. 247, 255; *Cornish v. Clark*.