

Upon being examined, the defendant refused to answer questions in regard to the whereabouts of the child.

C. G. Jarvis, for the plaintiff.

T. G. Meredith, K.C., for the defendant.

SUTHERLAND, J., in a written judgment, said that it was argued on behalf of the defendant that the statement of claim disclosed no cause of action against the defendant, and that the plaintiff's remedy, if any, was by an application for a habeas corpus. The learned Judge was not disposed to agree with this contention. He was of opinion that on an examination for discovery the questions asked were proper ones and should have been answered.

Order that the defendant attend for further examination at her own expense and answer the questions which she refused to answer, and, in default, that her statement of defence be struck out.

Costs of the motion to be costs in the cause unless otherwise ordered by the trial Judge.

MIDDLETON, J., IN CHAMBERS.

JANUARY 2ND, 1917.

*RE MONTGOMERY AND WRIGHTS LIMITED.

Execution—Seizure and Sale by Sheriff of Company-share—Writ Effective only from Date of Seizure—Prior Unrecorded Claim upon Share—Application by Purchaser to be Recorded as Owner—Execution Act, R.S.O. 1914 ch. 80, sec. 10—Companies Act, R.S.O. 1914 ch. 178, sec. 60—True Interest of Execution Debtor—Issue as to Bona Fides of Prior Claim.

Motion by J. D. Montgomery, the vendee at a sheriff's sale of one share of the capital stock of Wrights Limited, an incorporated company, for a mandatory order directing that company to record the applicant as owner of the share.

J. M. Bullen, for the applicant.

J. H. Hoffman, for the company.

M. Wilkins, for Roland C. Nelles, claimant.

MIDDLETON, J., in a written judgment, said that under execution against C. F. Wright, dated the 15th November, 1915, the