

HON. MR. JUSTICE RIDDELL, IN CHRS. JUNE 17TH, 1913.

BERLIN LION BREWERY CO. v. LAWLESS.

4 O. W. N. 1486.

*Judgment—Summary Judgment—Con. Rule 603—Action on Promissory Notes—Prima Facie Defence Shewn—Failure of Motion.*

MASTER-IN-CHAMBERS (24 O. W. R. 745; 4 O. W. N. 1441) refused to give summary judgment upon two promissory notes where defendants swore that they were given for accommodation only.

*Smyth v. Bandel*, 23 O. W. R. 649, 798, followed.

RIDDELL, J., reversed above order and entered judgment for plaintiffs, but execution not to issue until after trial of defendant's counterclaim.

An appeal by the plaintiffs from an order of the Master-in-Chambers, 24 O. W. R. 745; 4 O. W. N. 1441.

W. H. Gregory, for the plaintiffs.

H. J. Macdonald, for the defendant.

HON. MR. JUSTICE RIDDELL, by consent allowed the appeal and directed judgment to be entered for the plaintiffs for the amount of the promissory notes sued upon, but execution thereon not to issue until the defendant had had an opportunity to have his asserted counterclaim tried and an account taken before the Local Master at Berlin, to whom a reference was directed.

Costs here and below to be in the discretion of the Local Master.

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HON. MR. JUSTICE LENNOX, IN CHRS. JUNE 10TH, 1913.

CRUCIBLE STEEL CO. v. FFOLKES.

4 O. W. N. 1591.

*Discovery—In Aid of Execution—Con. Rule 903—Scope of—Transfer Prior to Incurring of Debt—Action Pending against Transferees.*

MASTER-IN-CHAMBERS held, 24 O. W. R. 791; 4 O. W. N. 1561, that judgment creditors have no right to examine transferees of the assets of the judgment debtor under Con. Rule 903 where the debt was incurred subsequently to the vote of the transfer to the said transferees.

LENNOX, J., affirmed above order.

An appeal by the plaintiffs, judgment creditors, from an order of the Master-in-Chambers, 24 O. W. R. 791; 4 O. W. N. 1561.