

A judgment by default, regularly signed, cannot be set aside *ex parte*, but only upon notice to the plaintiff and an affidavit of merits, and this rule applies to the County Courts as well as the Court of Queen's Bench. *McKay v. Rumble* 86

2. *Bills of Exchange Act—Judgment by default—Leave to defend—Special circumstances—Discretionary order—Infancy.*—A writ was issued under The Summary Procedure on Bills of Exchange Act, 1855, on a promissory note made by the two defendants, and judgment was obtained by default on 21st April, 1891. On the 29th September, 1892, the defendant R. T. L., applied in chambers to set aside this judgment on the ground that, at the time of making the note, he was an infant, that he joined in the note only as surety for his co-defendant and that his co-defendant promised to settle the suit; also, that for that reason he did not defend the action, and heard nothing more of it until, on the 24th September, 1892, the sheriff seized his crop under an execution. An order was made in Chambers setting aside the judgment, and granting leave to defend. On an application to the Full Court to reverse this order,

Held, (KILLAM, J. dissenting,) that the Judge in Chambers having exercised his discretion, the Court should not interfere with his order.

Per KILLAM, J. No special circumstances were shown entitling the Judge in Chambers to exercise any discretion to set aside the judgment. *Fairchild v. Lowes*, 527.

Action on foreign judgment.

See FOREIGN JUDGMENT.

Application to sign final judgment.

See MOTION FOR JUDGMENT.

Effect of transcript of judgment on original judgment in County Court.

See COSTS AND SECURITY FOR COSTS, 2.

Fraudulent judgment—Judgment where no debt owing—Interpleader.

See FRAUDULENT JUDGMENT.

JUDGMENT DEBTORS.

Examination of—Refusal to answer questions concerning business carried on in wife's name—Separate property of wife—Business in which others are interested.

See EXAMINATION, 2.

Jurisdiction of County Court Judge to order examination of judgment debtors—Liability of joint debtors to be examined as to their individual estate.

See EXAMINATION, 3.

JURISDICTION.

Of County Court.

See COUNTY COURT, 3; PROHIBITION, 2, 3.

Application to bring lands under Real Property Act—Withdrawal of application by caveatee after being non-suited in issue—Jurisdiction of Court to proceed further after withdrawal.

See REAL PROPERTY ACT, 4.

County Court Judge—Jurisdiction