

I have a good deal more doubt as to the payment on the chattel mortgage; and this falls in my mind in the same category as the Richardson transaction.

In reference to the two other transactions I am not able to say—adopting the words in *Re Caulfield*, 5 I. L. R. 356—that “the statements are of such a nature that no reasonable man could believe them.”

The only case cited which goes to indicate a different rule is *Wallis v. Harper*, 7 U. C. L. J., O. S. 72. This case was decided at a time when imprisonment was a common method of enforcing payment of a debt; and the line of interpretation there suggested has long since been departed from. Robinson, C.J., states the object of the statute as being “not to punish as for a contempt, but to place in the power of the creditor such means of coercion as an execution against the person may confer.”

The rule as it now stands is for the purpose of discovery; and when discovery is refused, or where as the result of the discovery a fraudulent disposition of the property is disclosed, then the imprisonment follows as a means of punishing contempt.

Then, are the answers satisfactory within the meaning of the rule? Certain answers clearly are not; but when the defendant falls into the hands of his own counsel he does give—it is true with the aid of leading questions, and with the aid of a statement which had been prepared for him—a fairly clear account of what has become of his money. Taking the examination as a whole, there is no difficulty in ascertaining what the debtor has done with his property.

I am not prepared to accede to the proposition of the judgment creditor that he is entitled to have a full explanation, in answer to his questions. This is the normal course; but if as the result of the whole examination one is able to glean the history of what has been done, that appears to me to suffice. As is said by more than one authority, no arbitrary rule can be laid down, and each case must be determined upon its own circumstances. I think, as was said in *Graham v. Devlin*, 13 P. D. 245, a full disclosure has been made, which is the thing to be aimed at. Whether the transactions disclosed can be successfully impeached is not the test.

I dismiss the motion, but give no costs.