

Christin v. Christin (1890), 1 O.L.R. 634, followed. *Kerr v. Roberts* (1897) 33 C.L.J. 695, overruled.

D. L. McCarthy, for the appeal. *Riddell*, K.C., contra.

Boyd, C.]

[March 22.

KIRCHOFFER v. IMPERIAL LOAN AND INVESTMENT CO.

Evidence—Discovery—Order of foreign court—Refusal to attend—Order compelling attendance.

R.S.C. 1886, c. 140, extends to parties as well as witnesses; and a former manager of a company (while the matters in dispute in the action were taking place), as such officer, is a quasi party and stands for the person to be examined for discovery for the corporation defendant. This person had refused to attend and be examined in pursuance of an order of a Manitoba court, made on an ex parte application. An order was made on the present application to compel his attendance.

A. Hoskin, K.C., for the motion. *Beaumont*, contra.

Cartwright, Master in Chambers.]

[March 30.

ATTORNEY-GENERAL OF ONTARIO v. TORONTO JUNCTION RECREATION CLUB.

Evidence—Production of membership roll—Recreation club—Revocation of charter—Common betting house.

In an action against the defendants for a declaration that they were using their premises as a common betting house, contrary to the provisions of the Criminal Code, 1892, and for a revocation of their charter.

Held, that the President of club was not bound to produce the membership roll of the club as it might lead to a criminal prosecution against him.

D'Irry v. World Newspaper (1897) 17 P.R. 387, and *Hopkins v. Smith* (1901) 1 O.L.R. 659, followed.

Dewart, K.C., for the motion. *Johnston*, K.C., contra.

Meredith, C.J.C.P., *MacMahon*, J., *Teetzel*, J.]

[April 19.

REX v. FRASER

Certiorari—Insufficient return—Annexing papers.

In obedience to a writ of certiorari, proceedings were transmitted by the person to whom the writ was directed, by letter to the proper officer, but they were in a loose condition, with no symptom having been annexed to the certiorari.

Held, to be a bad return which could not be looked at by the Court.

McCullough, for the applicant. *Holman*, contra.