

There is nothing upon the material here to shew an inciting to commit a breach of the injunction. The injunction did not restrain any of the defendants from doing what, as I understand it, it is said Atkinson and Elliott did in this case, which was simply that two men who had been in the employment of the plaintiffs, came to them, one saying that he had quarrelled with the company, and left their employment, the other, that he was desirous of leaving, but had not the means of getting out of town, as they expressed the wish to do. There was nothing, as I understand, in the injunction to prevent the defendants doing that. What they are restrained from doing is inciting any employee of the company to leave their service. Here one of them was not in the employment of the company, and the other was himself applying, as I have said, to Atkinson and Elliott for assistance, upon the statement that he was desirous of leaving. It seems plain that no breach of the injunction has taken place, and it therefore follows that the effort of Fisher and Hodapp to incite them was no contempt of Court. I don't see that it makes any difference at all that the statement of Fisher and Hodapp, the one that he had left and the other that he was desirous of doing so, was untrue, and that they were mere spies in the camp of the enemy. The question is: Is the thing that they induced Atkinson and Elliott to do a breach of the injunction? I think not. I think the motion fails and should be dismissed with costs.

OSLER, J. A.

NOVEMBER 21ST, 1903.

CHAMBERS.

RE WILSON.

*Bankruptcy and Insolvency—Assignments and Preferences Act—Motion to Remove Assignee for Creditors—Grounds not Specified in Notice of Motion—No Evidence to Support Motion—Proposed Examination of Assignee—Judicature Rules not Applicable.*

Motion by creditors for an order removing the assignee for the benefit of creditors of George Wilson & Co., insolvents, and appointing another or an additional assignee, and upon motion by the same applicants to commit the assignee for refusal to attend for examination upon the pending motion to remove him.

The motion was heard by OSLER, J.A., sitting for a Judge of the High Court.

A. C. McMaster, for applicants.

D. L. McCarthy, for the assignee.