

I think the action should be dismissed with costs, and that the counterclaim should be dismissed with costs.

Bill of sale to be handed back to plaintiff and to be cancelled.

If case goes further, and if it shall be held that plaintiff is entitled to the purchase money by reason of the property having vested in **the defendant**, I think defendant should be allowed \$50 for articles removed from steamer, and \$100 damages by reason of delay on part of plaintiff in sending bill of sale, and in that case the title to be made a perfect registered title of the boat.

If it should be held that plaintiff is entitled to damages for non-acceptance of the steamer, I am of opinion that the damages should be \$200; in that case the plaintiff to retain the boat.

Action dismissed with costs.

BRITTON, J.

JULY 8TH, 1903.

CHAMBERS.

### GAULT v. PENTECOST.

*Judgment Debtor—Examination—Unsatisfactory Answers—Unsatisfactory Disposition of Property—Actions Pending with Regard to—Continuation of Examination—Explanations.*

Application by plaintiffs under Rule 907 to commit defendant for unsatisfactory answers upon his examination as a judgment debtor. The examination was begun at Toronto on the 19th February, 1903, and continued on the 4th March. On that day plaintiffs desired an adjournment, and a further examination with production of books and papers. The examiner granted an adjournment until 25th March, but defendant did not attend, and refused to accept \$3.25 as conduct money from Hamilton, where he lived.

Joseph Montgomery, for plaintiffs.

Hamilton Cassels, K.C., for defendant.

BRITTON, J.—Defendant has answered freely and fully except to a few questions, and his answers were apparently, in the main, truthful, but they certainly disclosed an extraordinary course of dealing. The answers complained of as unsatisfactory may be grouped under the following heads: (1) Want of knowledge of defendant's own books and assignment of them to his brother. (2) Inability to explain his most disastrous failure. (3) His brother unexpectedly appearing as a creditor for a large amount. (4) Selling goods otherwise than in the ordinary course of business and to per-