

in Orangeville, his county town. The conduct money was paid, and, upon the examination of the defendant at Guelph, it turned out that he knew very little personally of the matters in issue, and no notice to produce having been served, nor any request made for the production of documents, no documents were produced on the examination. The plaintiffs' solicitor then asked to have the examination adjourned to be continued in Guelph, and asked that the defendant, in the meantime, procure information from his agent, which would enable him to answer the questions put to him upon his examination for discovery. The examination was adjourned accordingly. The defendant did not appear upon the adjourned examination, but his solicitor attended and offered to produce him for examination at Orangeville, upon receiving his proper conduct money.

The plaintiff moved to commit the defendant for not attending upon the adjourned examination at Guelph.

F. C. Cooke, for plaintiffs.

H. D. Gamble, for defendant.

STREET, J., held that the defendant was not bound to go back to Guelph for examination for discovery; that his solicitor, having produced him there in the first instance, had fulfilled his obligation; and that, if the plaintiffs desired any further examination, they should pay the proper conduct money and examine the defendant at Orangeville.

Order made for examination at Orangeville, upon payment of the proper conduct money. Costs in the cause