

The evidence of the defendant I accept in full, as I am quite convinced that what she said, was said from a belief in its truth, and without any attempt to exaggerate or overstate her case.

I think, too, that the deceased was an industrious young man, of good habits,—as he must have been to have attained the position which he held at his age,—working with a desire to build up a home, and that his earnings, outside of what was necessary for the reasonable support of himself and his wife, and of himself for some time prior to his marriage, were used towards payment for the building of the house in question, and this with the plaintiffs' knowledge and approval; for I must hold on the evidence that the plaintiffs intended that the property—that is, the land and such improvements as were on it at the time of the deed,—should be the son's and that it was given by them to him.

Without going over all the evidence, I have no doubt that the plaintiffs are not entitled to succeed. The action is therefore dismissed with costs.

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HON. MR. JUSTICE MIDDLETON.      DECEMBER 4TH, 1912.

CHARLEBOIS v. MARTIN.

4 O. W. N. 412.

*Debtor and Creditor—Motion to Commit Debtor—Unsatisfactory Answers on Examination—Suspicion of Making Way with Assets—Discovery—Discussion of Purposes of Examination.*

MIDDLETON, J., dismissed, without costs, the motion of a judgment creditor to commit the judgment debtor, on the ground that he had concealed and made way with his assets with intent to defraud his creditors, holding that on his examinations as a judgment debtor full disclosure had been made and that while there was good ground for reasonable suspicion that he had made way with his property to defeat his creditors, there was not irresistible proof of the same, and much more than reasonable suspicion was required on a motion to commit.

*Re Caulfield*, 5 O. L. R. 356, referred to.

"An examination of a judgment debtor is given for the sole purpose of discovery."

Motion by the judgment creditor to commit the debtor, or for a writ of attachment or *ca. sa.* against him, upon the ground that on his examination as a judgment debtor, he refused to disclose his property, and his transactions, and did not make satisfactory answers, and that it appears that he had concealed, or made away with his property in order to defeat and defraud his creditors in general, and the plaintiff in particular.