

ing judgment of MACMAHON, J. (ante 352), and dismissing the action.

I. F. Hellmuth, K.C., for plaintiffs.

G. H. Kilmer, for defendants.

Moss, C.J.O.:—Having read the evidence and the judgments delivered in this case, I am unable to say that it presents any exceptional or special circumstances justifying the allowance of a further appeal.

The facts are not in dispute. The conclusion drawn from them by the trial Judge was, not that the property sought to be rendered exigible under plaintiffs' judgment was the property of defendant Byron J. Hill, but that he had an interest in it as the outgrowth of what the trial Judge considered to be the investment by that defendant of \$300 in the business of the Hill Printing Co.

The Divisional Court found this conclusion not sustainable on the facts, and held, in effect, that the business was one carried on by defendant Mrs. Hill, in which her husband had no proprietary right. This finding might well be made on the evidence. The judgment at the trial expressly confined plaintiffs' remedy to the satisfaction of their judgment, amounting to about \$300 for debt and costs, out of defendant Byron J. Hill's supposed interest in the property. That is the amount directly in controversy in the appeal. It is said that plaintiffs hope or expect to recover judgment in a short time against Byron J. Hill for a large sum. But Mrs. Hill, the substantial defendant here, is not to be affected in her rights by any proceeding not now before the Court. In the eye of the law, though doubtless only in theory in this case, the interest of her husband appears to be with plaintiffs, for payment of their claims relieves him of his indebtedness. But his wife is entitled to insist that, in accordance with the policy of the legislature, the litigation shall be brought to an early conclusion unless some good and sufficient grounds for its further continuance as against her can be shewn. She has a unanimous decision of the Divisional Court in her favour, upon practically undisputed facts, which give rise to no difficult or important questions of law, and, in the absence of more special reasons than have been made to appear upon this application, she should not be subjected to a further appeal.

Motion refused with costs.