

examination of plaintiff, and produce books, etc. Action by a judgment creditor of defendants McDermott, Evans, & Lee for equitable execution. Plaintiff's husband was by consent examined for discovery. He was asked to tell about the transactions out of which the indebtedness represented by the judgment arose, and refused to answer on the ground that there was no plea of fraud or collusion in recovering the judgment.

W. D. Gwynne, for defendant.

W. N. Ferguson, for plaintiff and her husband.

THE MASTER held, following *Allan v. McTavish*, 28 Gr. 539, 8 A. R. 440, that, as all that the plaintiff would have to establish against all the defendants in respect of the judgment was, that the former action had been brought, the recovery on it, and the date of its recovery, without attacking the judgment defendants were not in a position to inquire into the facts on which the recovery proceeded, and J. C. Smith was within his rights in refusing to answer the questions asked. Motion dismissed. Costs to plaintiff in the cause.

WINCHESTER, MASTER.

APRIL 11TH, 1903.

CHAMBERS.

RE PENDRITH MACHINERY CO. AND FARQUHAR.

Sale of Goods—Claim of Stranger to Purchase Money—Interpleader—Ownership of Goods—Trial of Issue—Costs.

Application by one Logan for an order for leave to pay into Court \$250, being the purchase money of a boiler sold to him by the company, and claimed by Agnes Farquhar as belonging to her. The parties consented to a summary trial in Chambers of the issue between the claimants as to the right to the purchase money.

John Greer, for Logan.

C. A. Moss, for the company.

W. C. McKay, for Agnes Farquhar.

THE MASTER found the facts in favour of the company's claim. Order made that Logan pay over the \$250 to the company, less his costs of his application to pay in (to be fixed), and that the claimant Agnes Farquhar pay to the company the sum deducted by Logan for costs, and the company's costs of the trial of the issue.