officers of such body corporate, touching the matters in question in the action."

Shortly after that A. J. Act, the first English Judicature Act was passed. In the Schedule of Rules appended to the latter (Rule 9) there was mapped out the summary mode of proceeding to judgment after appearance to a "specially" indorsed writ which afterwards came to be set out in Order III, Rule 6, and Order XIV of the Schedule of Rules and Orders incorporated into the English Judicature Act of 1875; a Schedule which was substituted for the repealed Schedule to the Act of 1873. As this new procedure, which came into force in England in 1875, was not adopted into Ontario until 1881, our practice under the Administration of Justice Act meantime had a development of its own.

Quite an insight into the way the foregoing Ontario provisions were interpreted and applied may be gained from the following case (*k*). There, the examination of a defendant, taken under the above-mentioned s. 24, was put forward in support of a summary application under s. 8 above-quoted, to strike out a plea which the defendant had on such examination admitted to be false in fact, and pleaded merely for time. Defendant's counsel contended that, as by s. 24, the power to examine was given only after issue joined, the section was clearly intended to refer to matters to come into question at the trial of an action alone, and that, therefore, the examination could not be used on the application In answer to this, amongst other arguments, and to the objection that if the examination were allowed to be used the effect would be to do away with defences for time, and thus, without the express direction of the Legislature, create a very great change in the practice, Mr. Dalton. said, in part: "The defendant Beattie alone instructed the defence; and, in his examination in this suit, he says, in effect, the defendants owe the plaintiff all he claims, that the plea is false to his knowledge, and was pleaded for delay. . . . Then, if I can look at this examination (and why should I not?) what is there left to try? There is nothing left to try; and to allow the defendant to force the plaintiff to the expense and delay of proving at a trial that which the defendant himself asserts, in this case, to be the truth, is to be passive where action is required . . . I therefore make the summons

(*k*) *McMaster v. Beattie*, supra.