This document was not sworn and therefore was not a good "answer"; but according to the practice, a defendant might file a dispute note without oath, and we are informed that the opinion given was that the poetical effusion was a valid dispute note and should be so treated, which seems to be common sense.

Since the foregoing was written, Mr. Justice Kelly, in the case of *Smith* v. *Walker,* on appeal from Mr. Holmested, acting as Master in Chambers, has decided that if a defendant does not file a statement of defence under Rule 112, the plaintiff may not treat his affidavit as a defence, but must disregard it altogether. The facts of the case before Mr. Justice Kelly were as follows: To a specially indorsed writ a defendant appeared and filed an affidavit of defence. The plaintiff did not elect to proceed under Rule 56 (2), but at the expiration of ten days from appearance, no statement of defence having been filed, he filed a joinder of issue and gave notice of trial. The defendant moved to set aside the joinder of issue as irregular. The acting Master in Chambers refused the application, holding that the plaintiff was regular, and that the affidavit was properly treated as the defence, following *Voight* v. *Orth, supra,* but Mr. Justice Kelly set aside the joinder of issue as being irregular and allowed the defendant to file a statement of defence. This decision therefore virtually determines that an affidavit disclosing a defence filed under Rule 56 is a defence only for the purposes of that particular Rule; but if the plaintiff does not elect to proceed under that Rule it is not a defence, and at the lapse of ten days from appearance, if no statement of defence is filed, the plaintiff may sign judgment for default of defence.

In short the whole procedure suggests a sort of thimble rigging performance as regards the defendant's affidavit of defence. "Now you see it and now you don't see it."