by consent until the 26th, when an order was made to summon a jury for the 1st of March. Another adjournment then took place, and no further reference to the suit appeared on the records. The bill was not on file with the clerk.

BARKER, J., said that there were great doubts whether there was really any suit or bill in existence to be dismissed. The motion for injunction was never proceeded with, and the fair inference to be drawn from the inaction of both parties for four years, was that the matter had been practically abandoned. He should not ordinarily make an order dismissing the bill without the bill being actually on file, so that the record would be complete. As there had been so much delay here, and some uncertainty existed as to which party was responsible for the adjournments, the interests of all parties would be best protected by putting an end to this proceeding, and affording plaintiff an opportunity of beginning de novo if he wished.

Motion dismissed without costs.

C. J. Coster, for motion.

Palmer, Q.C., contra.

BARKER, J.,
In Equity.

[March 19.

TOBIQUE VALLEY RY. CO. *v.* CANADIAN PACIFIC RY. CO.

Interrogatory—Answer—Putting answer in evidence.

Where defendant includes in his answer to an interrogatory statement seeking to qualify or explain the answer the plaintiff may put in as evidence the part of the answer called out by the interrogatory without reading the qualifying or explanatory part.

Palmer, Q.C., and *Stratton*, for plaintiff.

Earle, Q.C., and *H. H. McLean*, for defendant.

COUNTY COURT.

FORBES, J.,
In Chambers.

[Feb. 8.

DOHERTY *v.* PARLEE.

Practice—Evidence of jurisdiction—42 Vict., c. 13.

At the trial of the action before the Parish of Sussex Civil Court, objection was taken by the defendant after he had gone into his own evidence that the plaintiff had not proven the jurisdiction of the Court, and the plaintiff then offered evidence of it.

Held, that the evidence was admissible under 42 Vict., c. 13.

Byrne, for the plaintiff.

King, for the defendant.