

honest, and not unnatural, mistake of construction, and that the trustees might recoup themselves by deducting the amounts so overpaid from future instalments. In the course of his judgment he said: "Since I have known anything of the Courts of Equity it has been, in my opinion, the practice of the Court when administering the estate of a deceased person, in cases where the trustees have under an honest mistake overpaid one beneficiary, in the adjustments of the accounts, so to speak, between the trustees and the *cestuis que trust*, to make allowance for the mistake, and to hold that the trustee may, so far as possible, be recouped the money which he has so inadvisedly paid." words which, we think, accord with the experience of, and represent the views of, the profession generally.—*The Law Times*.

ORDERS DISMISSING ACTIONS—ONTARIO.

In September last, a regulation was made by Meredith, C.J.O., and Middleton and Kelly JJ., whereby it was directed that "Orders made in Chambers dismissing actions shall be entered as orders and not as judgments." In the case of *Gilbert v. Gosport*, 1916, 2 Ch. 587, 115 L.T. 760, it has recently been decided by Sargant, J., that an order dismissing an action for want of prosecution is a judgment, and the learned Judge is of the opinion that there is no difference between an order dismissing an action for want of prosecution, and a judgment obtained on default of appearance by the plaintiff at the trial.

If this is a correct view of the nature of such orders, then it might be well to consider whether, in order to prevent any misconception as to their nature and effect, it would not have been better to have directed that all such orders should be drawn up and entered as "judgments," instead of as "orders," and particularly for the reason that judgments are entered in one set of books of the Court, and orders in another set of books, and it is obviously desirable that all judgments should be entered in the same set of books.