the same?'' the jury answered: ''Stop log too high from chain.'' They also found that the plaintiff was not guilty of contributory negligence. The appeal was heard by MULOCK, C.J.Ex.D., SUTHERLAND and MIDDLETON, JJ. Written reasons for judgment were given by all the members of the Court. LAND, J., was of the same opinion. MIDDLETON, J., said that, in view of the evidence, the meaning of the answer to question 2 was, that the accident was caused by the bounce-board being too high from the chain, and that its being too high was a defect in the arrangement of the ways, works, etc.; that there was evidence upon which the jury might properly find as they did; and there was no reason for disturbing the judgment. SUTHERLAND, J., was of the same opinion. MIDDLETON, J., said that, in his view, there was much room for uncertainty; but, as the other Judges had no doubt, and there was no further appeal, he did not dissent. Appeal dismissed with costs. R. McKay, K.C., for the defendants. A. G. Browning, for the plaintiff.

HEAD v. STEWART—MASTER IN CHAMBERS—JAN. 3.

Default Judgment—Motion to Set aside—Absence of defendant—Excuse—Affidavit of Solicitor — Correspondence.]—Motion by the defendant to set aside a judgment for the plaintiff entered upon default of defence in an action to recover £670, money lent by the plaintiff to the defendant in England, and interest. The statement of claim was delivered on the 13th March, 1912, and the judgment signed on the 17th December, 1912. The motion was supported only by an affidavit of one of the defendant's solicitors, exhibiting the correspondence between the plaintiff's and defendant's solicitors between the 19th March and the 18th December, 1912. There was no affidavit from the defendant, who was said in his solicitor's earlier letters to be out of reach of communication—at Seattle or elsewhere. The Master said that this was no excuse and no valid reason for depriving a litigant of any rights given him by the Rules or for interfering with their application. A litigant is not justified in putting himself out of reach of his solicitor and then expecting the usual course of an action to be stayed to suit his convenience and allow him to attend to other matters which he thinks of more importance. The Master also referred to the fact that the defendant was in Ontario in November last; and said that, strictly speaking, there was no material on which the