

admissions of the plaintiff. It was said by Riddell, J., in *Jasperson v. Township of Romney*, 12 O.W.R. 115, at p. 117, that the Master in Chambers had no jurisdiction to apply this Rule; or, if he had, and refused the application, his discretion would not be interfered with.—It, therefore, appeared that the motion could not succeed in any of its aspects, and must be dismissed with costs in the cause to the plaintiff, leaving the defendant to take such other steps as she might be advised, in view of what had been sworn to be the mental condition of the plaintiff. Featherston Aylesworth, for the defendant. J. M. Ferguson, for the plaintiff.

CINNAMON V. WOODMEN OF THE WORLD—MASTER IN CHAMBERS—
APRIL 5.

Trial—Motion to Postpone—Affidavit—Con. Rule 518—Absence of Material Witness—Failure to Shew Nature of Expected Testimony—Refusal of Motion—Undertaking—Terms.—The action having been set down for trial at the Toronto non-jury sittings on the 11th March, 1913, the plaintiff moved to postpone the trial until the autumn. The motion was supported by an affidavit of the plaintiff's solicitor, stating that one Daniel Cinnamon was a material witness for the plaintiff, and that he left the city of Toronto "for the Mediterranean" on the 12th March, and would not return until September. The solicitor also stated that he did not know, nor, as he was advised, did the plaintiff know, of the intended departure of Daniel Cinnamon until shortly before the 12th March. It was not stated from whom the information was derived, nor what evidence the man was expected to give. The action was brought against a benefit society to recover the amount for which the plaintiff's deceased husband was insured. Daniel Cinnamon was the uncle of the deceased and the administrator of his estate. On the argument, it was said by counsel for the plaintiff that this man would testify in support of the allegation in the reply that the general course of dealing between the defendant society and the members thereof had been such as to constitute an estoppel against the defendants and a waiver of any such right of suspension or forfeiture as was set up in the statement of defence as an answer to the plaintiff's claim. The Master said that the affidavit in support of the motion should have been made by the plaintiff herself; Con. Rule 518 had been disregarded. But a more serious