

KENNEDY V. KENNEDY—MASTER IN CHAMBERS—MAY 20.

Lis Pendens—Motion to Vacate Registry of—Speedy Trial of Action—Terms.]—Motion by the defendants to vacate the registry of a certificate of *lis pendens* in part, and to expedite the trial. The Master said that the lands in question were wholly unimproved, and at the present time must be of a more or less speculative value. The action was by a judgment creditor to set aside a transfer made by the judgment debtor to his wife, on the ground that it was fraudulent and designed to defeat and delay the realisation of the plaintiff's judgment. It was clearly for the interest of the plaintiff, as much as for that of the defendants, that the action should proceed with expedition, and that no chance of a sale, in the present condition of activity in the real estate market, should be lost. This view was emphasised by the plaintiff's counsel, and he offered and still was ready and willing to allow any sales to be made if the purchase-money were paid into Court, or retained by the defendants' solicitors to abide the result of this action. This seemed to be a fair and reasonable arrangement, and one which it was in the interest of both parties to carry out. It would give the defendants all that the Court could properly require the plaintiff to accept. The statement of claim having been delivered on the 24th April, there was no reason why the action should not be tried some time in June. If there should be any delay, the defendants could set it down. The motion was, therefore, dismissed; costs in the cause. O. H. King, for the defendants. E. D. Armour, K.C., for the plaintiff.

STAUFFER V. LONDON AND WESTERN TRUST CO.—MASTER IN CHAMBERS—MAY 20.

Venue—Change—Action for Dower—Local Venue—Rule 529(c)—Security for Costs—Next Friend—Temporary Residence in Jurisdiction.]—In this action, to recover dower in land in the county of Bruce, the venue was laid at Toronto. The plaintiff, a person of unsound mind not so found by inquisition, sued by her son as next friend. The defendant company moved to change the venue to Walkerton, and for security for costs, on the ground that the next friend was not resident in Ontario and had no property therein. The Master said that Con. Rule 529 (c) applied, and no ground was shewn for having a trial else-