as two officers of the defendant corporation had already been examined for discovery, one of them on two occasions. Counsel for the defendants, also, on the argument, agreed to furnish the plaintiffs' solicitors with all correspondence relative to the bridge over Keating's cut as soon as it came into his hands. Costs of the motion to the defendants in the cause. C. M. Colquhoun, for the defendants. E. F. Raney, for the plaintiffs.

ANGEVINE v. GOOLD—MASTER IN CHAMBERS—APRIL 4.

Practice—Motion to Dismiss Action for Want of Prosecution—Failure to Prove Default—Summary Judgment—Con. Rule 616—Admissions of Plaintiff on Examination for Discovery—Mental Incompetence of Plaintiff—Jurisdiction of Master in Chambers—Lis Pendens.]—This action was commenced on the 16th September, 1912. The statement of defence was delivered on the 6th December. The action was apparently a non-jury action. The place of trial named was Welland. The defendant moved to dismiss for want of prosecution; and also, under Con. Rule 616, on admissions of the plaintiff in his examination for discovery, or to vacate the registry of a certificate of lis pendens. The Master said that there was no default, as the non-jury sittings at Welland were fixed for the 20th May, when, it was said, the plaintiff would be able to attend. If this did not prove to be the case, the motion could be renewed. At present it was premature, under Leyburn v. Knoke, 17 P.R. 410.—The plaintiff asked to be given a lien on the lands set out in the statement of claim, alleging that they were purchased by the defendant with money given to her by him to invest for his benefit. Against these lands he had registered a certificate of lis pendens, which certainly could not be vacated before the trial, which was only six or seven weeks off.—Then, could Con. Rule 616 be applied in favour of the defendant? The plaintiff's examination certainly disclosed a very unfortunate mental condition—so much so that it was doubtful whether he should not be represented by a committee or next friend, as provided by Con. Rule 217. The affidavit of his physician, filed in answer to the motion, stated that the plaintiff was over eighty years of age, and was suffering from senile dementia, a disease which affected his mind to the extent of rendering him unable to understand and appreciate the nature of a question or of the answer he might give. Whatever effect should be given to this hereafter, it seemed sufficient to shew that the action could not be dismissed on account of the