

Meantime, on 23rd September the action of Moore v. Thrasher was begun for possession and mesne profits or rent. This proceeded much more rapidly so that statement of claim was delivered on October 18th, and on 22nd October the usual order for security was taken out. The Master in Chambers, after stating the facts as above, said that it did not appear why there are two actions, nor why the defendant did not oblige the plaintiff to proceed in due course with the action of Thrasher v. Moore, and then herself counterclaim in that action for the relief now claimed in Moore v. Thrasher, which she could probably have done without giving security.—See Odgers on Pleading, 5th ed., p. 241. Even now it would seem in the interests of both parties to have the actions consolidated, or to have one stayed until the final disposition of the other, as the issue in both is one and the same. In any case this motion cannot prevail, as the only property put forward by the plaintiff is the subject of the litigation: Walters v. Duggan, 33 C.L.J. 362. He further said that it did not appear why the action of Moore v. Thrasher was necessary, and it seemed that the proper order to make now would be to let the action of Thrasher v. Moore go to trial at Sandwich on 2nd December, as the defendant can require to be done under the practice, and in the meantime let the other action be stayed, and let the costs abide the result of that action, the costs of the present motion being in the cause, as the delay of the plaintiff in Thrasher v. Moore was perhaps some excuse for the present action. Defendant should have leave to counterclaim now in Thrasher v. Moore, if necessary, to have the whole matter disposed of in that action formally. This can perhaps be done without her giving security. This, however, requires the consent of the parties. If this cannot be had then the present motion must be dismissed with costs to the defendant in the cause. F. Aylesworth, for the defendant. J. G. O'Donoghue, for the plaintiff.

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DICKIE v. CHICHIGIAN—DIVISIONAL COURT—Nov. 11.

*Trespass—Boundary Line—Evidence.*]—Appeal by the plaintiff from the judgment of the County Judge of the County of Brant. The plaintiff alleged that on the 16th November, 1911, she built a fence on the boundary line between her land and the defendant's land, and on or about that date the defendant entered upon the plaintiff's land, broke down the fence and refused to put it up again. The plaintiff claims damages, an injunction and further relief. The defendant alleged that the fence was not on