to continue in force until the 31st December, 1915. Neither in the license itself nor in the by-law of April, 1913, authorising it, was there any restriction upon the licensee as to the manner in which he should operate his car; the license was an unqualified authority to the licensee to operate his car for hire as and where and when he pleased—Sundays perhaps excepted—upon every street and public way within the city, until the 31st December, 1915; it was not shewn to have been cancelled, revoked, or forfeited; it was in force when by-law No. 5 was passed on the 31st July, 1915; and that by-law could not be read as intended to apply or as applying to or controlling the action of the holder of a then unexpired license, during its currency.

These two convictions should be quashed with costs.

RIDDELL, J., IN CHAMBERS.   OCTOBER 7TH, 1915.

*BOWERS v. BOWERS.

Lis Pendens—Motion to Vacate Registry of Certificate—Husband and Wife—Separation Agreement — Conveyance of Land to Wife—Resumption of Cohabitation — Action for Declaration that Conveyance Annulled—Speedy Trial—Undertaking.

Appeal by the plaintiff from an order of a Local Judge vacating the registry of a certificate of lis pendens.

The action was brought by Charles R. Bowers against Rebecca Bowers, his wife, for a declaration that land conveyed by him to her, pursuant to an agreement for separation, was still his—that the conveyance was avoided by the resumption of cohabitation.

J. M. Ferguson, for the plaintiff.
H. S. White, for the defendant.

RIDDELL, J., said that a motion to vacate a certificate of lis pendens should not succeed unless it was made to appear by clear proof that the issue of the writ of summons in the action is an abuse of the process of the Court: Sheppard v. Kennedy (1884), 10 P.R. 242; cf. Jameson v. Laing (1878), 7 P.R. 404.

Whether the conditions of a separation deed come to an end in the event of reconciliation depends upon the intention of the parties, to be ascertained from the terms of the contract as a whole and the circumstances of the particular case: Hals-