

to a little over \$100. The present action was brought in the High Court by plaintiff as executor of their father, against the defendant, for a declaration that the plaintiff, as such executor, is owner of and entitled to possession of the lands which were sought to be recovered in the first unsuccessful attempt. THE MASTER IN CHAMBERS (after stating the facts): "It will be noticed that in both clauses (c) and (d) of Rule 1198 the words used are "for the same cause." Having regard to the decisions as to the meaning of these words to be found in the cases cited in Holmsted and Langton, on the rule, pp. 1427-1428, and especially to Lucas v. Cruickshank, 13 P.R. 31 (which seems very applicable), and Caughell v. Brower, 17 P.R. 438, I do not think the present motion can succeed. The first proceeding was based on the assumption of a tenancy which had expired. As I understand, the appeal was allowed on the ground that no tenancy was proved, and so the proceedings had no foundation. Here there is no such allegation necessary, and the plaintiff must prove his title; whereas, in the other proceeding, he had only to prove that the defendant stood to him in the relation of tenant, and then the plaintiff's title would not come into question, but only the right to immediate possession. Even if the judgment of the District Judge had stood, there would have been nothing to prevent the defendant next day from bringing an action of ejectment, if he could shew a superior title to that of the plaintiff, who could not have relied on the prior judgment as an answer to that action. I refer to what I said on this rule in Wendover v. Ryan, 7 O.W.R. 160. The motion will be dismissed with costs to the plaintiff in any event. The defendant may have two weeks further time to plead." O. H. King, for the defendant. A. J. Thomson, for the plaintiff.

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#### CORRECTION.

In Re Canada Mail Orders Limited (Meakins' Case), ante 1055, it should have been stated that the counsel appearing for the contributories was Mr. J. A. Soule.