

order consolidating the two actions or staying the second. The first action was for damages for breach of a contract by the defendants to perform certain work within a specified time and in accordance with specifications. The second action was to enforce a mechanics' lien for the work done under the contract in question in the first action. The plaintiffs in the first action stated that they might ask for a jury. The Master said that it was at least doubtful whether a jury could be called in an action under the Mechanics' Lien Act: *Trussed Concrete Co. v. Wilson*, 9 O. W. R. 238. As Pullan & Co. began their action first, and as that action is one proper to proceed in the High Court in the usual way, it is most convenient to let it proceed, and stay the other. This is not to interfere with the contractors' lien; and the plaintiffs should, if desired, give particulars now of their claim, so that the defendants may know what they have to meet. Costs in the cause. E. J. Hearn, K.C., for the applicants. Casey Wood, for the respondents.

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CURRAN V. COLLARD—MASTER IN CHAMBERS—MAY 26.

*Payment into Court—Moneys of Plaintiff in Hands of Defendant—Alleged Mental Incapacity of Plaintiff—Con. Rule 419—Inquiry as to Mental Condition—Jurisdiction—Residence abroad.*]—This action was brought by a mother, resident in the State of Ohio, for the return by her daughter, the defendant, of money deposited, with the plaintiff's consent, in a bank at Brantford, Ontario. The defendant did not deny that the money was the plaintiff's, but alleged that the plaintiff was in fact non compos mentis; and now moved for leave to pay the money into Court and for an inquiry as to the mother's mental condition. The Master said that, if the defendant wished to be relieved from the burden of the acknowledged trust and escape any further responsibility, she should pay the money into Court under Con. Rule 419; and, if the defendant wished to take action in respect of her mother's mental condition, that could only be done in the Court having jurisdiction where the mother resided. Motion dismissed. Costs in the cause. Grayson Smith, for the defendant. H. W. Shapley, for the plaintiff.