

balance of an account rendered for goods supplied to the defendants, who were building contractors, by the Crane & Ordway Company, who assigned their claim to the plaintiff. The defendants admitted that the goods were obtained from the company, and that the prices set out in the statement of claim were correct; but said that the claim was paid in full to the company in 1910 by two promissory notes and the assignment of a mechanic's lien, which were accepted by the company in full satisfaction of their claim. The action was tried without a jury at Fort Frances. SUTHERLAND, J., reviewed the evidence in a written opinion, and stated his finding, upon the complicated facts of the case, that nothing was due from the defendants to the plaintiff upon the claim assigned to him. The balance which could properly be claimed by the plaintiff, he must seek from a solicitor who has in his hands certain insurance moneys, arising from the destruction by fire of the building covered by the lien assigned: see the Mechanics and Wage-Earners Lien Act, R.S.O. 1914 ch. 140, sec. 9. Action dismissed with costs. Notes of the defendants to be delivered up to them. A. G. Murray, for the plaintiff. C. R. Fitch, for the defendants.

RE PHERILL—KELLY, J., IN CHAMBERS—JULY 6.

Lunatic—Petition for Order—Evidence—Failure to Make Case.]
 —Petition for an order declaring Sarah Ann Pherill a lunatic. The learned Judge said that the evidence adduced by the petitioner was not of such a character as would justify the making of the order. The application was launched in May, 1916. Affidavits of two doctors were submitted by the petitioner. One of these doctors, whose affidavit was sworn in March, 1916, had not examined or seen Sarah Ann Pherill since July, 1915; and his evidence of what he then observed was not sufficient ground for making the order. The affidavit of the other doctor was equally unsatisfactory, especially with the light thrown upon it by the affidavits in answer to the application. No importance was to be attached to the letters of Sarah Ann Pherill put in in reply, which were written years ago. In the affidavit of Dr. C. K. Clarke, whose recent examination of Sarah Ann Pherrill was made independently and without knowledge on his part of the purpose for which it was intended, he was most emphatic in his opinion that she possessed all the intellect necessary to manage her affairs. The application could not succeed; and on the material there was