

being served as a body under the Rules of Court. . . . The object of the appeal sought to be stayed is to obtain a similar determination with regard to the position of the defendants. If they are a body not capable of being sued and not capable of being served, they are not capable of being enjoined or of committing a contempt; and, as the very object of the appeal is to determine whether defendants can be sued and served with process, we cannot determine whether a contempt has been committed without hearing the appeal. Besides, the rule that a party guilty of contempt can take no steps in the action is not a universal one; one exception is, that the party, notwithstanding his contempt, is entitled to take the necessary steps to defend himself. The defendants are ordered to appear within ten days to the writ of summons, on pain of having judgment signed against them; and they have the right to shew, if they can, that the service upon them is not permitted by the practice: *Fry v. Ernest*, 9 Jur. N. S. 1151; *Ferguson v. County of Elgin*, 15 P. R. 399. Motion refused; but, as it appears that the president of the body called the American Federation of Musicians, with full knowledge of the injunction, has made the most strenuous efforts to procure Cresswell to break his contract, there should be no costs.

WINCHESTER, MASTER.

MARCH 31ST, 1903.

CHAMBERS.

O'FLYNN v. MIDDLETON.

*Lis Pendens—Discharge—Claim for Costs—Land in Question in Redemption Suit—Lien—Charging Order.*

Motion by defendant for order removing and discharging the registry of a certificate of *lis pendens*, on the ground that plaintiff was not entitled to register one in this action, which was brought to recover the amount of a bill of costs and to establish a lien on land for such amount. Plaintiff admitted that he could not retain the *lis pendens* against all the lands described, but contended that as to 25 acres he had a lien and was entitled under Rule 1129 to a charging order for the amount of his costs. The action was defended and defendant had counterclaimed against plaintiff.

C. A. Moss, for defendant.

E. E. A. DuVernet, for plaintiff.

THE MASTER held that the question whether plaintiff is entitled to a lien on the 25 acres was one for the trial Judge after the whole evidence had been adduced. Whether a solicitor has a lien or is entitled to a charging order against the