

note that the defendants very liberally agreed on payment of the premium of 1911 to forego the forfeiture, and indorse the policy as "world-wide and effective."

ORDER FOR JUDGMENT UNDER RULE 115 (ONT. RULE 603)—JUDGMENT SIGNED MORE THAN TWELVE MONTHS FROM DATE OF ORDER—NOTICE OF INTENTION TO PROCEED UNNECESSARY.

*Deighton v. Cockle* (1912) 1 K.B. 206. Under the English practice, where no proceedings are taken in an action for twelve months, the opposite party is entitled to a month's notice of intention to proceed: Rule 973. In Ontario there is no such rule. In this case the plaintiff obtained, on a summary application under Rule 115 (Ont. Rule 603), an order for judgment. Judgment was not signed until more than twelve months afterwards, and then without giving a month's notice of intention to proceed. Scrutton, J., reversing the order of the Master, held that the judgment was irregular, and set it aside, but the Court of Appeal (Williams, Buckley, and Kennedy, L.JJ.) held that *Staffordshire Joint Stock Bank v. Weaver* (1889) W.N. 78, on which Scrutton, J., acted was wrongly decided, and that no notice of intention to proceed was necessary.

PRACTICE—APPEARANCE UNDER PROTEST—CONDITIONAL APPEARANCE—ENLARGING TIME TO OBJECT TO JURISDICTION.

*Keymer v. Reddy* (1912) 1 K.B. 215. From this case it appears that it is the practice in England, when an appearance under protest is entered, for the officer to allow the party entering the appearance a reasonable time to move to set aside the writ of summons, and unless the defendant moves within that time, to seal the appearance with an entry that it is to stand as unconditional. No such practice, we believe, prevails in Ontario. In this case the Court of Appeal (Moulton and Farwell, L.JJ.) held that the practice above referred to has no statutory authority, and does not in any way limit the power of the court to enlarge the time for moving to set aside the writ beyond the time allowed by the officer of the court. The meaning of the practice is stated to be, *to prevent the hands of the court being tied*, and that the omission of a defendant to apply to set aside the writ within the prescribed time, raises a presumption against him of waiver of objection to the jurisdiction, and entitles the officials of the court, in the ordinary course, to treat the appearance as absolute.