

The action is dismissed.

[The decision of a Divisional Court in *May v. May*, 2 O.W.N. 413, affirming the judgment of LATCHFORD, J., 2 O.W.N. 68, upon the ground that the High Court had no jurisdiction to entertain an action to declare a marriage void because the parties were related within the prohibited degrees, is in accord with the above decision.]

FAIR V. TIERNEY—MASTER IN CHAMBERS—FEB. 17.

Writ of Summons—Delay in Service—Renewal—Lis Pendens—Knowledge of Defendants—Terms—Speedy Trial—Costs.]—Motion by the plaintiff for an order for renewal of the writ of summons and for service. The writ was issued on the 5th April, 1909, and a certificate of *lis pendens* registered against lands alleged by the plaintiff to have been bought with the money of the plaintiff's execution debtors, and conveyed to the defendant Tierney. The writ had never been served, but this was through oversight; its existence and the fact of the registry of the certificate were well known to the defendants and their solicitor. The Master said that the order asked for by the plaintiff should be made, for the reasons given in *Muir v. Guinane*, 10 O.L.R. 367. If the plaintiff did not desire to proceed against the defendant Grier, the writ could be amended. The writ should be served at once and the statement of claim delivered in two days after appearance, and the trial expedited. Costs to the defendants. W. R. Smyth, K.C., for the plaintiff. T. N. Phelan, for the defendants.

McLELLAN V. STERLING BANK OF CANADA—MASTER IN CHAMBERS—FEB. 17.

Interpleader—Moneys of Deceased Person Deposited in Bank—Rival Claims by Executors and Payee of Cheque—Right to Interpleader—Conduct of Bank—Terms of Order—Costs.]—Motion by the defendants for an interpleader order. The plaintiff's brother died on the 21st November, 1910. Two or three days earlier he made out a cheque in the plaintiff's favour (as the plaintiff said) for \$2,750, drawn on the defendants' branch bank at Alton. This was presented by the plaintiff on the 24th November (three days after the death), and was