

## PEPPIATT V. REEDER—KELLY, J.—FEB. 14.

*Reference—Scope of—Ascertainment of Damages for False Statements—Evidence Negating Fraud—Rental Value of Premises—Limiting Number of Witnesses—Rulings of Master—Appeal—Costs.*]—Appeal by the defendant from rulings of the Master in Ordinary upon a reference. The appeal was heard in the Weekly Court at Toronto. The learned Judge said that what the Master had to do was to ascertain what damages the plaintiff had sustained by reason of the defendant's false and fraudulent statements mentioned in the pleadings: see *Peppiatt v. Reeder* (1915), ante 121. The Master limited to two the number of witnesses to be called by the defendant on the question of the rental value of the lands and premises, and intimated his refusal to admit evidence negating the defendant's fraud. The appeal was against these rulings. It had already been determined in appeal that the lease, as well as other documents in question, was procured by the false and fraudulent statements, representations, and actions of the defendant. Evidence directed solely to that question should not be admitted by the Master. As to that ruling the appeal should be dismissed. The Master did not follow the proper course in limiting the number of witnesses as he did. The appeal from that ruling should be allowed. By the terms of the reference to the Master, the costs thereof are to be in his discretion; and, if either party unnecessarily adds to those costs, it may be a matter for the Master's consideration when making his report and disposing of the costs. Costs of the present appeal to be disposed of by the Master with the costs of the reference. J. J. Gray, for the defendant. Edward Meek, K.C., for the plaintiff.

## MAY V. MAY—BRITTON, J.—FEB. 14.

*Husband and Wife—Alimony—Evidence—Dismissal of Action—Costs—Disbursements—Rule 388.*]—An action for alimony, tried without a jury at Cayuga. Upon the evidence, the learned Judge held, the plaintiff was not entitled to succeed. Action dismissed. The defendant is to pay to the plaintiff's solicitor actual disbursements properly made: Rule 388. R. S. Colter, for the plaintiff. H. R. Morwood, for the defendant.