

Motion refused; costs in the cause to the defendant. H. E. Rose, K.C., and J. G. Wallace, K.C., for the plaintiffs. Grayson Smith, for the defendant.

WILLIAMS v. KEHR—MASTER IN CHAMBERS—Nov. 22.

Summary Judgment — Mortgage — Stifling Prosecution.]—Upon a motion for summary judgment under Rule 603, in an action upon the covenant for payment contained in a mortgage deed, the defence sought to be set up was that the mortgage was given to stifle a prosecution. The Master refused the motion, saying that the matter should be investigated at a trial in the usual way, and referring to *Jones v. Merioneth, etc., Society*, [1892] 1 Ch. 183, 184, and *Morgan v. McFee*, 18 O. L. R. 30. J. R. Roaf, for the plaintiff. L. F. Heyd, K.C., for the defendant.

MCPHERSON v. MCGUIRE—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—Nov. 22.

Summary Judgment.]—The Chief Justice dismissed an appeal from an order of the Master in Chambers refusing the plaintiff's motion for judgment under Con. Rule 603, and giving the defendant unconditional leave to defend. Laidlaw, K.C., for the plaintiff. J. T. White, for the defendant.

BUGG v. BUGG—MASTER IN CHAMBERS—Nov. 23.

Interim Alimony and Disbursements.]—The Master held that the amount of interim alimony does not depend upon the husband's income; the wife is entitled to an income suitable to her position until the suit is heard: *Sykes v. Sykes*, [1897] P. 306; *Kettlewell v. Kettlewell*, [1898] P. 138. In this case the husband's annual income was about \$5,000, and the interim alimony was fixed at \$20 a week; disbursements as agreed on by the solicitors up to \$100 on the usual undertaking. Gideon Grant, for the plaintiff. J. A. Paterson, K.C., for the defendant.