

moved upon the ground that such a strong feeling had been raised against him in Owen Sound and throughout the county that it would be impossible to have a fair and impartial trial before a jury of that county. The motion was supported by the production of two letters written in 1909 by members of the Methodist Church in Owen Sound stating reasons for opposing the defendant's being appointed to the pastorate of a church and reflecting on his conduct in reference to the sale of shares. The Master referred to *Baker v. Weldon*, 2 O. W. R. 433; *Shafto v. Bolckow*, 35 W. R. 686; *Penhallow v. Mersey Dock Co.*, 29 L. J. Ex. N. S. 2, 21; *Cossham v. Leach*, 32 L. T. N. S. 665; *William Queen v. Appleby*, 13 C. L. T. Occ. N. 375; *Town of Oakville v. Andrew*, 2 O. W. R. 608; *Brown v. Hazell*, ib. 784; and said that the letters produced seemed to shew that a strong feeling existed in Owen Sound itself and the community generally, which would probably create an atmosphere hostile to the defendant. The Master was of opinion, therefore, that in a case so vital to the defendant he was entitled to have a trial before a jury of some other county. Order made changing the venue to Toronto; costs in the cause. Grayson Smith, for the defendant. S. G. Crowell, for the plaintiff.

* LOBB V. LOBB—DIVISIONAL COURT—SEPT. 23.

Will—Construction—Gift to "Children"—Exclusion of Legitimate Children.—Appeal by the plaintiffs from the judgment of MULOCK, C.J.Ex.D., 21 O. L. R. 262, 1 O. W. N. 848. The Court (BOYD, C., LATCHFORD and MIDDLETON, J.J.), dismissed the appeal; costs of plaintiffs and defendant of the action and appeal to be paid out of the estate. H. H. Collier, K.C., for the plaintiffs. E. D. Armour, K.C., for the defendant.

COWARDINE V. COWARDINE—MASTER IN CHAMBERS—SEPT. 24.

Interim Alimony—Order under Deserted Wives Maintenance Act.—Motion by the plaintiff for an order for interim alimony and disbursements. The motion was opposed by the defendant on the ground that the plaintiff, within a week of the commencement of this action, obtained an order under the Deserted Wives' Maintenance Act, R. S. O. 1897 ch. 167, for payment to her by the defendant of \$3 a week—which amount had been regularly paid since the order. The Master said that, on the material, he would not have given any larger sum for interim alimony, and that no order should now be made: *Goodheim v. Goodheim*, 30 L. J. N.

* This case will be reported in the Ontario Law Reports.