

THE  
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TORONTO, MAY 11, 1905.

No. 18

MEREDITH, C.J.

APRIL 28TH, 1905.

CHAMBERS.

SMITH v. SMITH.

*Trial—Order Directing Preliminary Trial of Questions of Law—Separate Issues Disposing of Whole Action—Reasonable Probability of Establishing Propositions of Law—Rule 259.*

Appeal by defendants Robert Jaffray and W. J. Smith from order of Master in Chambers, ante 518, dismissing an application for an order under Rule 259 directing a preliminary trial of certain issues arising in the action, and motion for a substantive order for a preliminary trial in the event of it being held that the Master had no jurisdiction to make the order.

W. E. Middleton, for appellants.

E. E. A. DuVernet, for the other defendants.

T. P. Galt, for plaintiffs.

MEREDITH, C.J., dismissed the appeal and motion with costs to plaintiffs in any event.

MEREDITH, C.J.

APRIL 29TH, 1905.

TRIAL.

DELISLE v. DELISLE.

*Parent and Child—Conveyance of Land by Father to Son—Undue Influence—Absence of Independent Advice—Imprudence—Annuity—Covenant for Maintenance—Consideration—Delivery of Conveyance—Charge on Land—Power of Distress—Re-entry for Breach of Covenant.*

Action to set aside a transaction entered into between plaintiff and defendants (his son and daughter-in-law) on