

advance, and moved for an order directing the accountant to discharge the mortgage.

The Master in Chambers referred the motion to a judge, and it was argued before ARMOUR, C.J., in Chambers, on February 5th, 1894.

*James Kerr* for the applicant.

*F. W. Harcourt*, for the official guardian representing the infant defendants, contended that as the mortgage was for part of the purchase money, and was made in pursuance of a special agreement, which was to the advantage of the mortgagor, the section above quoted did not apply.

ARMOUR, C.J.: There is no such distinction in the statute as that sought to be drawn, and the applicants are entitled to have the mortgage discharged. The applicant must pay his own costs and those of the guardian.

C.P. Div'l Court.]

[Feb. 8.]

HOGABOOM *v.* GRUNDY.

*Parties—Interpleader issue—Who should be plaintiff.*

Where husband and wife live together in the same house, the husband being owner or tenant, and the sheriff, under an execution against the husband, seizes the household furniture, which is claimed by the wife as her own, the onus is on her, and she must be plaintiff in the issue directed where the sheriff interpleads.

*A. D. Cartwright* for the claimant.

*Charles Millar* for the execution creditor.

ARMOUR, C.J.]

[Feb. 13.]

JONES *v.* MILLER.

*Costs—Demurrer—Powers of Master in Chambers—Trial judge—Judge in court.*

Where a demurrer has been left to be disposed of by the trial judge, and has not been so disposed of by him when giving judgment in the action, nor by a Divisional Court on appeal, he has still power to dispose of the costs of it, and any application for that purpose should be made to him; but if to another judge, it must be to a judge in court.

The Master in Chambers, having no jurisdiction to decide the demurrer, has none to determine the costs of it.

*W. R. Smyth* for the plaintiff.

*W. R. Riddell* for the defendants.

Chy. Div'l Court.]

[Feb. 15.]

WINNETT *v.* APPELBE.

*Particulars—Slander—Names, times, and places.*

In an action for slander, the statement of claim alleged that the defendant on a specified day spoke to C. and others the slanderous words alleged. In