

\$100. Debt thus generally used is sufficient to mean judgment debt, which is the highest of all debts.

Per BOYD, C. : There was no splitting of demands in the present claim within the mischief of section 77 of the Division Courts Act. The claim for taxed costs is different and severable from the accruing claims for the gales or instalments of alimony, and forms of itself an entire and distinct claim of debt, or in the nature of debt.

Per MEREDITH, J. : The claim was made upon the whole sum payable for alimony as well as costs when the action was brought, the excess being abandoned.

The action for alimony is in this province based upon statute, and the ordinary proceedings and process for enforcing the claim and judgment are the same as for enforcing legal claims and judgments thereupon.

H. T. Beck for the appellant.

W. R. Riddell, contra.

Div'l Court.]

MORRIS v. THARLE.

[Sept. 9.

Lien—Mechanics' lien—Prevenient general arrangement—Subsequent definite contracts—Filing of lien—Time.

Where there appeared to have been a prevenient general arrangement, though not by way of binding agreement, between the contractor and supplier of builders' material, whereby the former undertook to get all the material needed for the building of certain houses from the latter, so that though the quantities and prices were not defined until subsequent orders were given and deliveries made, still the entire transaction was linked together by the preliminary understanding on both sides.

Held, that a lien filed in January for all material so supplied was in time, although a part of the material was supplied under written contract as far back as the beginning of the previous November.

A. Macnab for the motion.

J. Haverson for the defendant Ryan.

Div'l Court.]

JOHNSTON v. EWART.

[Sept. 16.

Slander and libel—Real intention of slanderous words—Judge and jury—Misdirection.

Action of slander for saying of the plaintiff, "You are a perjured villain, and I can put you behind the bars; you are a forger, and I can prove it."

The trial judge left it to the jury to say whether in their opinion the defendant was really charging the plaintiff with having committed the crimes mentioned.

Held, misdirection, and new trial ordered. What should have been left to the jury was, whether or not the circumstances were such that all the bystanders would understand that the defendant did not mean to charge the