

should be reduced to \$84.11 and restricted to the Castell property.

If the plaintiff is not satisfied with the amount, he may have a reference at his own risk.

No costs of the appeal. The plaintiff should have his costs of the proceedings below against the defendant Castell, limited, however, apart from disbursements, to an amount not exceeding 25 per cent. of the amount recovered.

FALCONBRIDGE, C.J.K.B., concurred.

KELLY, J., also concurred, for reasons stated in writing.

RIDDELL, J., was of opinion, for reasons stated in writing, that the appeal should be dismissed with costs.

*Appeal allowed in part; RIDDELL, J., dissenting.*

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HODGINS, J.A., IN CHAMBERS.

DECEMBER 28TH, 1915.

OTTAWA SEPARATE SCHOOL TRUSTEES v. CITY OF  
OTTAWA.

*Appeal—Stay of Execution—Rule 496—Application for Removal of Stay—Judgment Dismissing Action with Costs—Stay Operative as to Costs only.*

Motion by the defendants the Ottawa Separate Schools Commission to remove the stay created under Rule 496 by the setting down by the plaintiffs of their appeal to a Divisional Court of the Appellate Division from the judgment of MEREDITH, C.J.C.P., 34 O.L.R. 624, 9 O.W.N. 193.

W. N. Tilley, K.C., for the applicants.

F. B. Proctor, for the defendants the Corporation of the City of Ottawa.

J. H. Fraser, for the plaintiffs.

HODGINS, J.A., said that the affidavits filed on behalf of the applicants indicated that, while the result of the judgment was to establish the position of the applicants, they had not received the school moneys raised by taxation, because the Cor-