

made a resumé of the pleadings and stated the nature of the discovery refused. He was of opinion that none of the matters as to which discovery was sought were relevant to the issues, and therefore dismissed the main motion with costs to the plaintiffs in any event of the cause. Order made for a commission as asked; to be returned by the 1st September. C. A. Moss, for the defendants. W. J. Boland, for the plaintiffs.

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BUGG V. BUGG—SUTHERLAND, J.—JUNE 13.

*Alimony—Cruelty—Evidence—Amount Allowed.*]—An action for alimony. The plaintiff at the time of the trial was 66 years of age and the defendant 64. The marriage was in 1865, and the parties lived together till July, 1909. The plaintiff alleged that for years the defendant had pursued such a course of conduct towards her as to affect her physical, nervous, and mental condition, and injure and impair her health in a serious degree, and put her in great fear of bodily harm. The plaintiff testified as to the defendant having caught her by the throat and treated her roughly several years ago, and that she was in fear of him on account of that and his subsequent conduct to her. She also alleged improper intimacy of the defendant with other women. The learned Judge concludes, upon the evidence, that the plaintiff's health has been injuriously affected by the conduct of the defendant prior to and up to the time that she left his domicile; that the defendant's conduct for a long time prior to the plaintiff's departure, and in the final scene occasioning it, was such towards the plaintiff as continuously to annoy and distress her, cause her great grief and sorrow, and at times actual fear, and this to such an extent as to amount to legal cruelty and affect her health: *Lovell v. Lovell*, 15 O. L. R. 547. Judgment for the plaintiff with costs for alimony at the rate of \$2,000 a year in monthly payments. E. F. B. Johnston, K.C., and G. Grant, for the plaintiff. J. A. Paterson, K.C., for the defendant.

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UNION BANK OF CANADA V. TAYLOR—BRITTON, J.—JUNE 13.

*Trust — Land Conveyed to Trustee — Declaration in Aid of Execution—Evidence.*]—Action by execution creditors of the defendant James A. Corry to have it declared that the property in the city of Ottawa known as "the Corry block" is the property of the defendant Corry and not of the defendant Edith Taylor, and that it or the equity of redemption in it is liable to the plaintiffs' execution now in force and in the hands of the sheriff of the