

McNish v. Munro (1875), 25 U.C.C.P. 290, and Hill v. Broadbent (1898), 25 A.R. 159, shew that one parcel of land will not pass under a conveyance of another by virtue of the general words of the Conveyancing and Law of Property Act; and a fortiori it will not pass under a will. An easement, no doubt, will pass: Phillips v. Low, [1892] 1 Ch. 47.

Order declaring accordingly; costs of all parties to be paid out of the residue.

MIDDLETON, J., IN CHAMBERS.

FEBRUARY 4TH, 1920.

BUCHANAN v. BUCHANAN.

*Husband and Wife—Alimony—Action for—Claim for Custody of Child—Wife and Child Living with Husband while Action Pending—Examination of Husband—Discovery Confined to Matters Relevant to Issues to be Tried—Refusal to Allow Examination as to Matters Justifying Wife in Leaving Husband.*

An appeal by the plaintiff from an order of the Master in Chambers dismissing the plaintiff's motion to compel the defendant to attend for re-examination for discovery and to answer certain questions which he refused to answer when examined.

C. W. Plaxton, for the plaintiff.

J. Jennings, for the defendant.

MIDDLETON, J., in a written judgment, said that the action was for alimony. The wife was, at the time the motion was made, living with her husband in his house, and was maintained by him. The daughter, a child of 12 or 13, was living with them.

The plaintiff and defendant did not agree, but for over 20 years had lived together in greater or less discord. The plaintiff now sued for alimony, and set up many things, more or less serious, extending over many years. The defendant denied all these, and stated that he had always maintained his wife, and was in fact doing so now; that, for the sake of the child, he was ready and willing to do so; and that, if what he was doing was not sufficient, he was willing to pay such sums as the Court should direct; and, if the plaintiff was not content to remain in his house, he was willing that she should live apart; and, in that event, he was ready to pay such alimentary allowance as the Court should determine, but would claim the custody of the child.

The plaintiff, in her action, claimed the custody of the child, and a declaration that she was the owner of the house.