

after the service of the writ, and has registered a lis pendens against this property, in which he says the defendant had an equity of over \$5,000.

The plaintiff now applies for a removal of the stay of execution under Rule 827 (2) consequent upon the defendant having given security for the costs. No precedent was cited to me of such an order having been made in any similar case, nor am I aware of any. I do not think the circumstances are such as would warrant such an order under the practice of the Court. The main ground urged is the very ordinary one of sanguine respondents that the appellant has no ground for appeal.

Under the rule adopted in such cases as *Confederation Life Association v. Labatt*, 35 C. L. J. 443, and *Wintemute v. Brotherhood of Railway Trainmen*, 19 P. R. 6, I think the application must be dismissed, and with costs.

CARTWRIGHT, MASTER.

MARCH 3RD, 1909.

CHAMBERS.

TITCHMARSH v. GRAHAM.

TITCHMARSH v. McCONNELL.

Pleading — Statement of Defence — Embarrassment or Irrelevancy — Action for Trespass and False Imprisonment—Defence Setting out Facts and Pleading "Not Guilty by Statute"—Conviction—No Allegation of Quashing.

Motion by plaintiff to strike out certain paragraphs (nearly the whole) of the statements of defence as irrelevant and embarrassing.

J. B. Mackenzie, for plaintiff in each action.

W. E. Middleton, K.C., for defendant Graham.

W. H. McFadden, K.C., for defendant McConnell.

THE MASTER:—The first action is against a magistrate and the other against constables. They are sued for trespass and false imprisonment on 31st July last, and for damages