

another charge was pending against the defendant for an offence alleged to have been committed on the same day during different hours—the questions put and not allowed to be answered being in respect of events happening on that day, and the magistrate having confined the cross-examination to the particular hours stated in the information for the offence which was the subject of the present conviction.

RIDDELL, J., was of opinion that the evidence said to have been excluded should have been, and was not, specifically tendered; that the questions could not possibly be material, and it was within the discretion of the magistrate to refuse to allow them to be put. For these reasons, as well as for those stated by Teetzel, J., the appeal should be dismissed.

The appeal was dismissed with costs.

MACLAREN, J.A.

MARCH 2ND, 1909.

C.A.—CHAMBERS.

PRINGLE v. HUTSON.

*Appeal to Court of Appeal—Stay of Execution—Removal—
Rule 827 (2)—Absence of Special Circumstances.*

Motion by plaintiff for a removal of the stay of execution under Rule 827 (2) consequent upon the defendant having given security for the costs of his appeal to the Court of Appeal.

F. Arnoldi, K.C., for plaintiff.

A. J. Russell Snow, K.C., for defendant.

MACLAREN, J.A.:—In this case the plaintiff sued as assignee of the covenant contained in a mortgage, and recovered judgment for \$3,395. The defendant has appealed to this Court, and has given security for the costs; but before he did so the plaintiff had placed an execution in the hands of the sheriff. According to plaintiff's affidavit, he has also taken proceedings to set aside a voluntary conveyance of property in this city made by the defendant to his sons