RICHES v. RICHES—MULOCK, C.J. EX.—DEC. 24.

Husband and Wife—Alimony—Cruelty—Desertion—Findings of Trial Judge.]—An action for alimony, tried without a jury at a Toronto sittings. MULOCK, C.J. Ex., in a written judgment, said that the plaintiff and defendant were married in Toronto in 1911, were separated in 1917, and had ever since lived apart. At the date of the marriage the defendant was 43 and the plaintiff 23 years of age. The plaintiff charged the defendant with cruelty which had ruined her health, and with desertion. The learned Chief Justice found that both cruelty and desertion were proved. The plaintiff was a faithful, dutiful, and affectionate wife; the defendant was solely to blame for the discord and strife which grew up between them, and which were the consequences of his ill-treatment of her. He had developed a violent antipathy to her; and, having regard to his violent temper, it would be unsafe for her to live with him. The defendant in his statement of defence alleged that the conditions which had arisen between the parties were caused by the plaintiff's hasty temper, indiscretion, and the influence of relatives, friends, and acquaintances over her; but he wholly failed to establish any such defence. These conclusions were reached after a minute and careful examination of the facts, circumstances, and evidence. The plaintiff was entitled to judgment for alimony with costs; reference to the Master in Ordinary to fix the amount. J. M. Godfrey, for the plaintiff. George Wilkie and D. R. Hossack, for the defendant.

ALLEN v. RECORD PRINTING CO.—KELLY, J.—DEC. 27.

Costs—Settlement of Action for Libel Reached after Case Called for Trial—Question of Costs Left to Trial Judge—No Costs Awarded to either Party—Interlocutory Costs.]—An action for libel, which was set down for trial with a jury at Sandwich, and came before KELLY, J., the presiding Judge. After the case had been called for trial, the parties, through their counsel, agreed upon a settlement of all matters involved, except the question of costs, which they left to the trial Judge. KELLY, J., in a written judgment, said that, the trial not having proceeded, he had no knowledge of the real merits of the case to assist in determining on which, if either, of the contending parties the burden of the costs should be imposed. He therefore made no order as to costs against either party. If costs of any interlocutory motion or motions had been imposed upon either of the parties, such costs should not, in the circumstances, be exacted. O. E. Fleming, K.C., R. L. Brackin, and W. D. Roach, for the plaintiff. J. H. Rodd and A. R. Bartlet, for the defendant.