

MEREDITH, C.J.

DECEMBER 20TH, 1907.

CHAMBERS.

SWITZER v. SWITZER.

*Particulars—Statement of Defence—Action for Alimony—
Defence Alleging Adultery of Wife—Times and Places.*

Appeal by plaintiff from order of Master in Chambers,
ante 949.

G. H. Kilmer, for plaintiff.

W. E. Middleton, for defendant.

MEREDITH, C.J., dismissed the appeal with costs to defendant in any event.

RIDDELL, J.

DECEMBER 21ST, 1907.

CHAMBERS.

MULLIN v. PROVINCIAL CONSTRUCTION CO.

*Execution—Stay pending Appeal to Divisional Court—Rule
827—"Judge of Court Appealed to"—Trial Judge—
High Court — Counterclaim—Grounds of Appeal—Re-
moval of Stay as to Part—Costs.*

Motion by the plaintiff under Rule 827 (2) for an order directing that execution upon his judgment against the defendants should not be stayed, notwithstanding the setting down of an appeal by the defendants from that judgment to a Divisional Court.

J. H. Denton, for plaintiff.

H. D. Gamble, for defendants.

RIDDELL, J.:—This was an action tried before me at the non-jury sittings at Toronto. The plaintiff claimed the price of a quantity of sand delivered from his pit and received by the defendants. The defendants alleged that the sand delivered was inferior to what the plaintiff had represented