

true that her own conduct at this time was not irreproachable. Her temper was violent, and she was out a great deal at night, refusing to give her husband any account of her proceedings, and denying in violent language his right to know where she had been. After she left him he assaulted her at the boarding house to which she had gone because she had taken his money when she left him. After this, and while living apart from him, she accepted presents of a watch, a ring, a trunk, underclothing, and money, from a man named Sutherland. These are circumstances leading to strong suspicion of impropriety, but not absolute proof of guilt, in the face of plaintiff's denial. It must be taken to be proved against defendant that he lived in adultery in Toronto for a month with a certain woman, his intimacy with whom in Montreal was one of the causes of his wife's leaving him. The plaintiff was justified in leaving defendant when she did, and defendant by his adultery has deprived himself of the right to say that he is willing to take her back.

Judgment for plaintiff for \$12 a month alimony with costs.

CARTWRIGHT, MASTER.

OCTOBER 10TH, 1903.

CHAMBERS.

CONNER v. DEMPSTER.

Venue—Rule 529 (b)—Cause of Action, where Arising—Declaration of Right of Way—Execution of Deed.

Motion by defendant to change venue from Kingston to Brockville, on the ground that the case comes within Rule 592 (b). Action for a declaration of plaintiff's right of way over defendant's land in the town of Gananoque, in the county of Leeds, and for an injunction restraining defendant from interfering with plaintiff's use of that way. The parties both reside in Gananoque.

Rule 529 (b) provides that where the cause of action arose and the parties reside in the same county the place of trial to be named by plaintiff shall be the county town of that county.

H. W. Mickle, for defendant.

A. H. F. Lefroy, for plaintiff.

THE MASTER held that the Rule requires that the *whole* cause of action should have arisen in the county: Bertram v. Pursley, 2 O. W. R. 264. Here the whole cause of action did