

The only question which causes me any trouble is as to the disposition of the costs. Under all the circumstances of the case, I think I am fairly exercising my discretion in making no order as to costs of the action.

The action will be dismissed without costs if the case go no further. If it go further, dismissed with costs, and there will be judgment for the defendant on the counter-claim with costs on the Division Court scale, without any set-off.

The plaintiff has not appealed from this judgment, and the time within which he could do so has expired.