

Dominion Syndicate allege a guarantee by the Strathroy Company to them as to quality. Under this guarantee defendants the Dominion Syndicate would have a right of indemnity or relief over in respect of any recovery plaintiffs may have as to the quality. Such indemnity or relief over may not arise, but, as the parties will have the same witnesses at the trial as they will require in the case of the third party trial, the usual order as to third party directions should be made.

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WINCHESTER, MASTER.

APRIL 11TH, 1903.

CHAMBERS.

METALLIC ROOFING CO. v. JAMIESON.

*Mechanics' Liens—Interest on Claim—Right of Lienholder to Recover—Computation.*

A question as to interest arose upon the summary trial of a mechanic's lien action. Plaintiffs claimed interest on the amount found due from 8th September, 1902. This was objected to by defendants Mackenzie and Mann, on the ground that plaintiffs were, by virtue of the Mechanics Lien Act, limited to the sum justly due to the person entitled to the lien.

W. N. Tilley, for plaintiffs.

A. W. Anglin, for defendants Mackenzie and Mann.

THE MASTER held, following *Johnson v. Boudry*, 116 Mass. 196, *Casey v. Weaver*, 141 Mass. 280, and *Trustees of Lutheran Church v. Heise*, 44 Md. 454, that interest, being an incident of the principal sum found due, and withheld by unreasonable delay in payment, is properly allowed and secured by the lien, but that the amount should be computed from the date of the commencement of the action.

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WINCHESTER, MASTER.

APRIL 11TH, 1903.

CHAMBERS.

SMITH v. McDEARMOTT.

*Discovery—Examination of Party—Action for Equitable Execution of Judgment—Questioning Plaintiff as to Matters Settled by Judgment—Absence of Defence Attacking Judgment.*

Motion by defendant Lee to compel plaintiff's husband, one J.C. Smith, to attend at his own expense and submit to be examined and answer all questions relating to the account of the dealings between plaintiffs and defendants McDermott, Evans, & Co., and to the settlement referred to in the