

statement of claim, be available as matter of defence. On their face, they seemed to be allegations of facts which might assist the defendant if proved and allowed by the trial Judge, or on a reference, if one should be directed. Motion dismissed upon this branch. The motion having been successful as regards particulars, costs to be costs in the cause. J. M. McEvoy, for the plaintiff. H. J. Martin, for the defendant.

CANADIAN LAKE TRANSPORTATION CO. v. BROWNE—FALCONBRIDGE, C.J.K.B.—FEB. 25.

Principal and Agent—Claim for Moneys Due by Agent—Counterclaim for Breach of Contract—Damages—Preponderance of Evidence—Reference.]—Action to recover a balance of \$1,447.72 claimed from the defendants as agents of the plaintiffs. There was no dispute as to the plaintiffs' claim; and judgment was given against the defendants for the amount claimed, with interest from the 19th December, 1911, and costs. The dispute was as to the defendants' counterclaim for: (1) loss to the defendants by reason of the plaintiffs wrongfully unloading a shipment of wire at the wharf of another wharfinger, instead of at the defendants' wharf; (2) \$792 for checker's wages for 1908-1910; (3) refusal of the plaintiffs to let their boats use the defendants' dock for 1911 and 1912. The learned Chief Justice finds, without regard to the demeanour of witnesses, that the preponderance of evidence is in the defendants' favour with regard to all these items of counterclaim. In his written opinion, he briefly reviews the evidence, and gives judgment for the defendants on the counterclaim, with a reference to the Master as to all three items, and costs of counterclaim up to this judgment. Further directions and subsequent costs reserved until after report. G. Lynch-Staunton, K.C., and T. Hobson, K.C., for the plaintiffs. E. F. B. Johnston, K.C., and J. G. Gauld, K.C., for the defendants.

BADIE v. ASTOR—MASTER IN CHAMBERS—FEB. 26.

Security for Costs—Increased Security—Sufficiency of Security Given under Præcipe Order—Leave to Renew Motion.]—Motion by the defendant for an order for further security for costs, a præcipe order having been made and satisfied. The plaintiff succeeded at the trial. On appeal the judgment in