

in the Act, that I am aware of, necessitating a second requisition from the civil authorities in cases where the troops at the disposal of the local officers are found to be inadequate . . .”

I give effect to this contention: see *Gordon v. City of Montreal*, Q. R. 24 S. C. 465: *Crewe-Read v. County of Cape Breton*, 14 S. C. R. 8.

There is another matter pleaded on the record, as set out in paragraphs 11, 12, 13, 14, 15, and 16 of the amended statement of defence. It is, in effect, that large public works, e.g., the ship canal, the swing bridge, and the electrical plant, are in the immediate vicinity of the scene of the rioting, and that the expense connected with protecting these works (which are said to have cost several millions of dollars) should be paid by His Majesty, out of the public moneys of the Dominion of Canada, and not by the defendants.

This I hold to be no defence in law. And it does not appeal to me on any ground, for it is interesting to consider what would have been the plight of the town and its citizens if the locks, the bridge, the electrical plant, and the works of the allied companies had been destroyed by one cataclysm.

The plaintiffs are entitled to judgment. I see no necessity for a reference—the claim was well proved, the only question raised being as to an item for cab-hire. These cabs were not instruments of haughty luxury—they were necessary for the calling out and getting together of the troops in the shortest possible time.

However, the defendants can, if they like, have a reference at their own risk and expense.

Judgment for the plaintiffs for \$7,293.28 and costs.

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JOHNSTON V. MCKIBBON—FALCONBRIDGE, C.J.K.B.—AUG. 29.

*Trespass—Fire—Origin—Damages—Counterclaim.*] — Action for damages for entering on the plaintiff's land, cutting trees and brush thereon, and setting fire to the same, whereby the plaintiff's property was injured. Held, that the plaintiff had proved his case as to the origin of the fire, and was entitled to recover. Damages assessed at \$500. Judgment for the plaintiff for \$500 and costs. Counterclaim dismissed with costs. G. H. Watson, K.C., and G. W. Hatton, for the plaintiff. D. O'Connell, for the defendant.