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H. C. J.  
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MEMO.  
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terest for services as engineer of the defendants. The learned Chief Justice said that the decision in the previous case practically disposed of this one, even if the plaintiff should succeed in establishing that these defendants ever hired him or otherwise became in law bound to pay him, because he must give credit for the \$3,000 stock received by him. The defendants held an assignment from the Central Securities Company; but the Chief Justice did not give effect to their claim of a balance in their favour. The action and the counterclaim should both be dismissed. In view of the relations of the parties and their peculiar methods of dealing, no costs were given to any one. R. S. Robertson, for the plaintiff. J. A. Scellen, for the defendants.

#### MANNHEIMER v. FORMAN.

*Ontario Divisional Court, Boyd, C., Riddell and Sutherland, JJ.  
January 10, 1912.*

SALE (II A—27)—*Action for price — Defence — Counterclaim—Appeal—Costs.*—Appeal by the defendant from the judgment of the County Court of the County of York, in favour of the plaintiff, for the recovery of \$102.10, in an action for a balance of the price of goods sold. The defendant set up that the goods received were not according to contract, and counterclaimed for \$200 damages. The Court dismissed the appeal with costs. RIDDELL, J., dissented as to costs, saying that, while he thought that the defendant had not been well treated, he could not see that he had made out a case for the allowance of his appeal—and the appeal should be dismissed; but, under all the circumstances, there should be no costs of the appeal. S. G. McKay, K.C., for the defendant. G. M. Clark, for the plaintiff.

#### CALDWELL v. HUGHES.

*Ontario High Court, Cartwright, M.C. January 31, 1912.*

PLEADING (§ I J—65)—*Statement of Defence and Counterclaim — Postponement till after Examination of Defendant for Discovery — Leave to Examine before Pleading to Counterclaim.*—Motion by the plaintiff for further particulars of the statement of defence and counterclaim. The action was brought by the plaintiff, as administratrix, to obtain a settlement for the business done by her deceased husband with the defendant. The whole matter was one of account, and, the Master said, would probably be referred, unless some settlement should be reached by the parties. The statement of defence and counterclaim consisted of 30 paragraphs, and was very unusually minute and detailed. Particulars were demanded of 17 of these, and had