

HON. SIR G. FALCONBRIDGE, C.J.K.B. SEPT. 26TH, 1912.

WALKER AND WEBB v. MACDONALD, G. J. FOY
LTD. (THIRD PARTIES).

4 O. W. N. 64.

*Costs—Parties Entitled to—Third Parties—Called in for Precaution
No Necessity for—Third Parties given Costs.*

Further judgment on question of costs. See 22 O. W. R. 964; 4 O. W. N. 22, where this action and the action of Graham against same defendants was disposed of on the issue.

G. F. Shepley, K.C., for the defendants.

E. J. Hearn, K.C., for the third parties.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—
As a matter of precaution, defendants claimed indemnity over against Foy & Co. They did this for their own protection. In the result they have not needed that shield.

And, therefore, they ought to pay the third parties' costs in this action—to be set off *pro tanto* against their claim and costs in the Graham suit.
