

FAUQUIER V. KING—SUTHERLAND, J.—APRIL 28.

Contract—Services Rendered—Material Supplied—Money Paid—Claim for Payment of Balance—Counterclaim.]—Action to recover \$6,475.84, a balance alleged to be due on account of services rendered and material supplied by the plaintiffs to the defendant and money paid by the plaintiffs for the defendant in connection with the construction of the Transcontinental Railway under an agreement between the plaintiffs and defendant. The defendant counterclaimed for \$3,039.04. The learned Judge wrote an opinion in which he discussed the evidence and stated his conclusion that there should be judgment for the plaintiffs for \$5,315.24 with costs and dismissing the counterclaim with costs. F. H. Chrysler, K.C., and C. J. R. Bethune, for the plaintiffs. J. F. Smellie, for the defendant.

REYNOLDS V. WALSH—MASTER IN CHAMBERS—APRIL 29.

Security for Costs—Increased Security—Admissions—Increase of Costs Occasioned by Counterclaim—Admitted Balance Due on Plaintiffs' Claim.]—Motion on behalf of the defendants for increased security for costs. On the examination for discovery, the following admissions were made by counsel. The plaintiffs' claim of \$22,250.18, set forth in paragraph 2 of the statement of claim, is admitted by the defendants; and the defendants' claim of \$14,296.01, set forth in paragraph 13 of the statement of defence and counterclaim, and the defendants' claim of \$2,730, set forth in paragraph 14 of the statement of defence and counterclaim, are admitted by the plaintiffs. This left a balance of \$5,224.17 admitted by the defendants as due to the plaintiffs on their claim. The Master said that this was clearly not a case to compel the plaintiffs to furnish additional security, as the plaintiffs had a valid claim for the amount above-mentioned against the defendants, even although the balance of their claim should be disallowed at the trial. The contest at the trial would be on the defendants' counterclaim, and the increased costs of the trial would be occasioned by the counterclaim. The defendants, in addition to the amount of the security for costs already ordered, were protected as to costs to the extent of the admitted balance due on the plaintiffs' claim. Motion dismissed with costs to the plaintiffs in the cause. H. D. Gamble, K.C., for the defendants. H. E. Rose, K.C., for the plaintiffs.