

the order with costs here and below. W. E. Middleton, K.C., for the appellant and the defendant Graham. J. B. Mackenzie, for the plaintiff.

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BEARDMORE v. CITY OF TORONTO—DIVISIONAL COURT—JAN. 25.

*Constitutional Law—Contract—Hydro-Electric Power Commission.*] — A Divisional Court (MULOCK, C.J.Ex.D., MAGEE and SUTHERLAND, JJ.), following *Smith v. City of London*, ante 280, affirmed the judgment of the Chancellor, ante 278. J. S. Lundy, for the plaintiff. H. Howitt, for the defendants.

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FORSTER v. FORSTER—DIVISIONAL COURT—JAN. 25.

*Alimony.*]—The judgment of RIDDELL, J., ante 93, dismissing an action for alimony, was affirmed by a Divisional Court composed of BRITTON, MAGEE, and SUTHERLAND, JJ. R. S. Robertson, for the plaintiff. W. Mulock, for the defendant.

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GUNNS LIMITED v. COCHRANE—MASTER IN CHAMBERS.—JAN. 26.

*Summary Judgment—Account — Reference — Counterclaim.*] — Motion by the plaintiffs for summary judgment under Rule 603 in an action for a balance of the price of goods sold to the defendant in 1908. The defendant did not deny his liability, but said that he was not prepared to admit the correctness of the account, and that he had a good counterclaim against the plaintiffs for malicious prosecution, arising out of this very matter. For this the defendant had recently begun an action. The Master made an order under Rule 607 to ascertain the amount due to the plaintiffs (unless the parties should agree as to this in a week.) Further directions and costs reserved, so that nothing may be done thereunder without the leave of the Court until the action for malicious prosecution is determined: *Central Bank v. Osborne*, 12 P. R. 160. A. J. Anderson, for the plaintiffs. J. King, K.C., for the defendant.