

complained of should be given, and also the other necessary particulars in connection therewith.

Paragraph 15 alleged that the defendants had, by their wrongful acts hereinbefore referred to, trespassed upon the goods and rights and property of plaintiffs and were answerable to plaintiffs for such wrongful acts. The facts which make up the trespasses should be given as particulars.

The defendants also asked for particulars of the names of the persons alleged to have been deceived into purchasing steam valves manufactured by defendants, believing that they were the goods manufactured by plaintiffs. No order should be made as to this, because the statement of claim does not contain the allegation.

Order accordingly. Costs in the cause.

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NOVEMBER 1ST, 1902.

C. A.

GABY v. CITY OF TORONTO.

*Costs—Third Party—Indemnity—Extent of Liability—Court of Appeal—Time for Disposing of Costs—Several Appeals.*

Motion by defendants to settle minutes of judgment. Plaintiff had judgment at the trial against the defendants with costs, and at the same time defendants had judgment over against the third party Crang, by which he was ordered to indemnify them against the plaintiff's judgment and the costs, which up to that time and by that judgment had been ordered to be paid by them, and their own costs of defence. The defendants and Crang both appealed from that judgment, and Crang also appealed from the defendants' judgment against him. The appeals were, pursuant to order, argued together as one appeal, and on the 28th June, 1902, the Court dismissed the appeals against the plaintiff's judgment with costs to be paid to him by defendants, reserving the disposition of the third party's appeal from the defendants' judgment against him: ante 440. The plaintiff took out his certificate in that way, and at that time no order could have been made against the third party in respect of costs in favour of defendants, the question of his liability over being still undetermined. His appeal against defendants was dismissed with costs on the 19th September, 1902: ante 606.

A. F. Lobb, for defendants, contended that the order should contain a direction that the third party should also