

Quebec provides that "every condemnation to costs involves, by operation of law, distraction in favour of the attorney of the party to whom they were awarded." "Distraction of costs" was proved to mean "the diverting of costs from the client or party who would in the ordinary course be entitled to them, and their ascription to his attorney or other person equitably entitled." The plaintiffs are entitled to judgment for the amount taxed, \$238.20. These costs would carry interest in Quebec, but in this case there is no claim for interest, and no evidence of any demand in Ontario before action. Judgment for plaintiffs for \$238.20 with costs.

FALCONBRIDGE, C J.

FEBRUARY 16TH, 1903.

TRIAL.

PAGE v. GREEN.

Building Contract—Damages for Delay—Both Parties Guilty of Delay—Account.

Action by Bessie Page, of Toronto, trading under the name of Page & Co., against John M. Green, of St. Thomas, trading under the name of J. M. Green & Co., to recover \$2,559.67 for work done upon the new armoury buildings at St. Thomas under a sub-contract, and for \$1,000. damages for breaches of contract by defendant. The defendant also counterclaimed for damages for breach of the contract.

W. Laidlaw, K.C., for plaintiff.

J. A. Robinson, St. Thomas, for defendant.

FALCONBRIDGE, C.J., found that each party had been guilty of such delay in performing his own part of the contract as to disentitle him to claim damages from the other on this ground. After going through the items of the accounts between the parties, the Chief Justice found \$1,114.08 due to plaintiff. Judgment for this sum with costs.

FEBRUARY 16TH, 1903.

DIVISIONAL COURT.

CENTRAL CANADA LOAN AND SAVINGS CO. v.
PORTER.

Title to Land—Registered Title—Real Property Limitation Act.

Appeal by defendant from judgment of ROBERTSON, J. (1 O. W. R. 482), in favour of plaintiffs in an action of ejectment tried at Peterborough. The trial Judge found as a