

Reference to Kohler v. Thorold Natural Gas Co. (1916), 52 Can. S.C.R. 514, and cases there cited.

The defendants, having delivered the bills to the plaintiff, and having caused him to expend time and money in an effort to procure a refund from the carriers, came under an implied obligation to leave these bills in his hands and to refrain from obstructing him in proceeding to do what he still had to do in order to complete his contract and establish his right to remuneration.

The defendants could not escape the consequences of a breach of their implied contract by shewing that some one with a better right to the bills had taken them away.

The defendants' breach of contract had made the exact ascertainment of damages impossible. They could not complain if, in the absence of proof that the plaintiff would not have succeeded, the plaintiff's view that he was bound to succeed was adopted, and he given the amount which he would have earned if there had been no interference by the defendants and the Railway Board had ruled in his favour.

There should be judgment for the plaintiff for \$3,440.73 with costs.

RE LEWIS—LEWIS V. STOKES—KELLY, J., IN CHAMBERS—MAY 6.

Administration Order—Application for—Small Estate—Trifling Disputes—Costs of Proceedings.—An application for an order for administration of the estate of the late Lillie Ann Lewis. KELLY, J., in a written judgment, said that the total value of the estate to be administered was small, and the differences which stood in the way of what should be an amicable arrangement were trifling in comparison with the expense of carrying administration proceedings to a conclusion. Notwithstanding these facts, a careful consideration of the material filed suggested the conclusion that the parties were unwilling to come to terms of settlement without litigation. On the argument, the learned Judge expressed the hope that the solicitors would point out to their clients the costs involved in the proceedings, and that an unreasonable attitude assumed by any party might well be considered in the final disposition of the costs of the proceedings; and also that they should make every reasonable effort to arrange their affairs without further litigation. Decision was withheld awaiting the result. It now appeared that the suggestion was without effect. It was regrettable that the applicant, either by herself or through her solicitor, had not seen fit to entertain as a