

the use of the bake shop; and except for that short time that department of the business was at a standstill.

The injury to and loss of goods I estimate on the evidence at	\$200
Loss of and disturbance to business, and for being deprived of the use of the premises (including any charge for loss of rent from sub-tenant) down to the commencement of the action	320

\$1,120

For this amount plaintiff has established his claim.

In their defence and counterclaim, delivered on November 28th, 1913, defendants claim (1) payment of the instalments of purchase money overdue at that time on the sale of the good will and chattels to plaintiff and interest thereon; (2) \$320 as rent of premises for eight months beginning April 1st, 1913, and interest thereon; (3) payment of taxes from February 14th to December 31st, 1913, and (4) possession of the premises.

The claim for rent to the commencement of the action on September 10th I allow, amounting to \$213.33.

The contract for the sale of the good will and chattels was made by the defendant George W. Constable (the other defendants are not parties thereto) and any overdue payments thereon are due to him; I do not, therefore, now deal with that claim. The parties may, however, speak to it again if they so desire.

Under the circumstances detailed above, defendants have not established their right to possession and I therefore dismiss that claim.

I have not taken into account the taxes of the property which by the terms of the lease are payable by the plaintiff. So far as the evidence at the trial shews these taxes for the year 1913 were not then paid either by plaintiff or defendants. The manner in which I have arrived at the amount of the plaintiff's claim leaves him still liable for these taxes from the commencement of the term of the lease to the date of the issue of the writ, down to which time only I have dealt with the matters involved between the parties.

Defendants are entitled to have deducted from the \$1,120 allowed the plaintiff the above sum of \$213.33, thus leaving a balance owing of \$906.67, and for this amount I give judgment in favour of the plaintiff with costs.