

published them maliciously." To this there was no objection. But the plaintiffs went on to assign as reasons for the defendants' conduct matters similar to those in the 5th, 6th, and 7th paragraphs. Held, that this part of paragraph 10 must be struck out. The plaintiffs to have leave to amend, if they desired. Costs to the defendants in the cause. G. M. Clark, for the defendants. Glyn Osler, for the plaintiffs.

WILLIAMSON V. BAWDEN MACHINE AND TOOL CO.—FALCONBRIDGE, C.J.K.B.—FEB. 8.

Contract—Breach—Evidence—Corroboration—Return of Money Advanced—Cancellation of Drafts—Chattels Withheld.]—An action for damages for breach of contract, and for the return of \$600 advanced and of drafts accepted and of chattel property alleged to be withheld. The Chief Justice said that he did not feel at liberty to disregard the evidence of James Pearson and Christina Bannerman in corroboration of the defendant; and, therefore, found that there was an agreement for payment by the plaintiff as the work progressed. This finding was arrived at after much hesitation and with some reluctance, as there was much in the defence which had a suspicious and even sinister aspect. The plaintiff's action for damages, therefore, failed. But, in all the circumstances, he ought to be repaid the \$600 cash advanced to the defendants and to have a return and cancellation of the drafts accepted by him; and \$20 as the value of certain chattels withheld from the plaintiff by the defendants. Judgment accordingly without costs. E. E. A. DuVernet, K.C., and W. B. Raymond, for the plaintiff. F. Arnoldi, K.C., for the defendants.

RE STANDARD COBALT MINES LIMITED—SUTHERLAND, J.—FEB. 8.

Company—Winding-up—Contestation of Claim—Stay of Proceedings—Separate Contestation by Liquidator—Discretion—Appeal.]—An appeal by the Cobalt Central Mines Limited from an order of J. A. McAndrew, Official Referee, in the course of a reference for the winding-up of the Standard Cobalt Mines Limited, directing that all proceedings upon the contestation by the appellants of the claim of one Thomas Q. Parker should be stayed until after the determination of the liquidator's contes-