

Margaret Lang. The defendant company to pay the plaintiffs' costs of the action. As against the defendant Henry Lang, action dismissed without costs. The defendant company to pay the costs of the appeal. R. S. Robertson, for the defendant company. A. E. H. Creswicke, K.C., for the plaintiffs and the defendant Henry Lang.

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WALKER AND WEBB v. MACDONALD—FALCONBRIDGE, C.J.K.B.—  
SEPT. 26.

*Costs—Third Parties.*]—This action and the action of Graham against the same defendants were disposed of by the judgment noted ante 1. The question of the third parties' costs of this action was afterwards mentioned by counsel. The Chief Justice said:—As a matter of precaution, the defendants claimed indemnity over against G. J. Foy Limited. They did this for their own protection. In the result they have not needed that shield. And, therefore, they ought to pay the third parties' costs in this action—to be set off pro tanto against their claim and costs in the Graham suit. G. F. Shepley, K.C., for the defendants. E. J. Hearn, K.C., for the third parties.

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ARMSTRONG v. TOWN OF BARRIE—FALCONBRIDGE, C.J.K.B.—  
SEPT. 27.

*Highway—Nonrepair—Injury to Pedestrian—Evidence.*]—Action for damages for injuries sustained by the plaintiff by falling into a hole in a highway. The learned Chief Justice said that, even if he were to ignore the testimony of one A. E. Patterson, who was said to have a contingent interest in the result of this action, the evidence adduced by the defendants was overwhelming as to the condition of the area and sidewalk. The plaintiff must be quite in error as to the manner in which he met with the accident. Action dismissed with costs, if exacted. A. E. H. Creswicke, K.C., for the plaintiff. J. H. Moss, K.C., for the defendants.