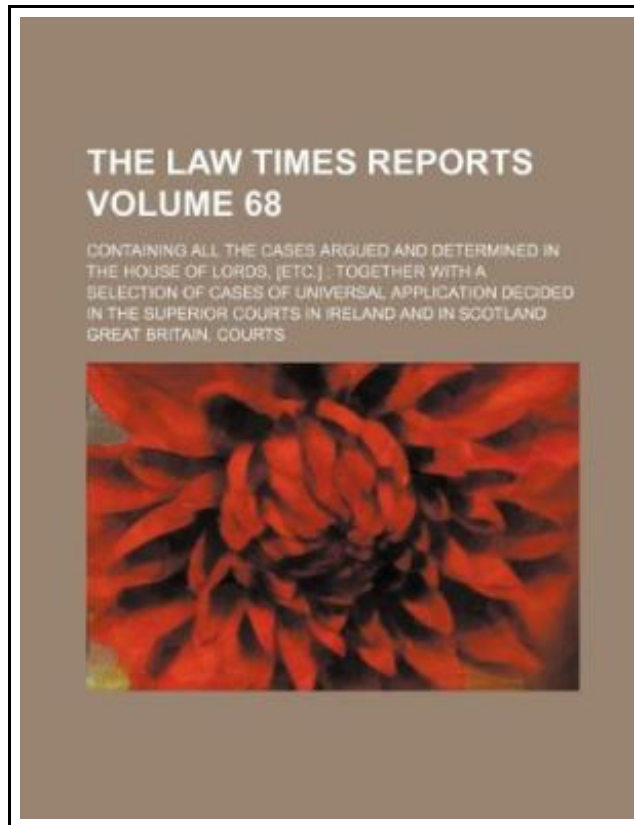


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1893 Excerpt: .Queen s Bench Division (Lord Coleridge, C.J. and Collins, J.) set aside the order. The plaintiff appealed. Rose Inncs for the plaintiff.--If this counterclaim is nothing more than a cross-action, the order that the defendant should give security is right. The counter-claim does not arise out of the claim, it deals with several other matters. He referred to Winterfield v Bradnum, 38 L. T. Rep. N. S. 230; 3 Q. B. Div. 324; Mapleson v. Maeini, 42 L. T. Rep. N. S. 531; 5 Q. B. Div. 144; Suites v. Sacerdoti, 53 L. T. Rep. N. S. 418; 15 Q. B. Div. 423; Lake v. Haseltine, 55 L. J. 205, Q. B. Beven for the defendant.--The counter-claim arises out of the same matter as the claim, and is in truth the defence to the action. Rose Innes replied. Lord Eshee, M.R.--The cases lay down the rule to be applied in these cases, that when a counter-claim is put forward by a defendant in respect of a wholly distinct matter from the subject of the claim, and when the defendant is resident abroad, then he is to be treated as if he were a plaintiff and a plaintiff only, and he will be ordered to give security for costs unless there is something in the case to the contrary. But when a counter-claim is not wholly in respect of a different matter from that which is the subject of the plaintiff s claim, but arises out of...

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