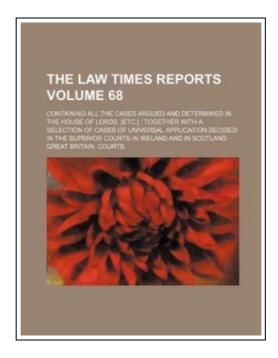
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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****This historic book may have numerous typos and missing text. Purchasers can download a free scanned 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 counterclaim 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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