

appeal, he may amend and have a new trial, in which case the costs of the former trial will be reserved to the trial Judge at the new trial, and, unless he otherwise dispose of them, will be costs to the plaintiff only in the cause; otherwise the appeal should be allowed, and the plaintiff have judgment for the sum of \$500, with interest from the teste of the writ of summons, and costs here and below. FALCONBRIDGE, C.J., and BRITTON, J., agreed in the result, the latter stating reasons in writing. H. S. White, for the plaintiff. F. E. Hodgins, K.C., for the defendant.