

STREET, J.]

HAGGERT v. TOWN OF BRAMPTON.

[May 10.]

Costs—Taxation—Items common to defence and counterclaim.

A claim and counterclaim are to be treated as separate actions, and the costs are to be taxed in accordance with that principle; but items common to both defence and counterclaim should not be taxed, either in whole or in part, to a defendant who has succeeded upon his counterclaim, but should be wholly disallowed him.

In re Brown, Ward v. Morse, 23 Ch. D. 377, followed.

Griffiths v. Patterson, 22 L.R. Ir. 656, not followed.

Summerfeldt v. Johnston, 17 P.R. 6, distinguished.

Justin, for the plaintiff.

T. J. Blain, for the defendants.

ARMOUR, C.J., FALCONBRIDGE, J.,
STREET, J. }

[May 10.]

REGINA v. ROBINSON.

Criminal law—Evidence—Non-support of wife—Criminal Code, 1892, s. 210, sub-sec. 2—Lawful excuse—Agreement.

Upon an indictment of the prisoner under s. 210, sub-sec. 2 of the Criminal Code, 1892, for omitting without lawful excuse to provide necessaries for his wife, evidence is admissible on behalf of the prisoner of an agreement between him and the person who became his wife, at the time of the marriage, that they were to live at their respective homes and be supported as before the marriage until the prisoner obtained a situation where he could earn sufficient for their maintenance; STREET, J., dissenting.

J. R. Cartwright, Q.C., for the Crown.

F. C. Cooke, for the prisoner.

Divisional Court.]

BELAIR v. BUCHANAN.

[May 10.]

Security for costs—Plaintiff out of jurisdiction—Property in jurisdiction.

The decision of FERGUSON, J., ante p. 289, was affirmed on appeal by the defendant to a Divisional Court.

J. Bicknell, for the appellant.

W. Read, for the plaintiff.

ARMOUR, C.J., FALCONBRIDGE, J.,
STREET, J. }

[May 14.]

REGINA v. MCRAE.

Justice of the peace—Jurisdiction—Associate justices—Request.

Where a justice of the Peace issues a warrant or a summons, and the accused is brought before him, he is seized of the case, and no other magistrate has jurisdiction therein unless requested by him to sit with him.

McCarthy, Q.C., and *D. O. Cameron*, for the defendant.

Aylesworth, Q.C., for the prosecutor.