did. This case, however, is followed by two cases, *Parr* v. *Lillicrap*, 1 H. & C., 615, and *Boulding* v. *Tyler*, 3 B. & S., 472, the latter of which distinctly followed the former, and over-ruled *Chambers* v. *Wiles*.

In both cases actions were brought in the Superior Court for sums clearly within the jurisdiction of the County Court, and the defendant in each pleaded payment into court of the specific sums claimed. The Exchequer Court affirmed the order of Martin, B., disallowing the plaintiff's costs, and expressly held that payment into Court did not, *per se*, entitle the plaintiff to his costs. In *Boulding* v. *Tyler* the Court of Queen's Bench followed the decision of the Exchequer Court, and refused to follow *Chambers* v. *Wiles*, so that the law upon the subject may now be said to be settled, and adversely to the view of C. J. Richards, enunciated in *Leslie* v. *Forsyth et al.*

In cases brought to trial the Judge might certify under sec. 347 cap. 50, R. S. O., either to entitle the plaintiff to full costs or to County or Division Court costs, or to prevent the defendant deducting costs; but in the absence of any certificate the statute apparently applies to cases where money has been paid into Court, unless the plaintiff recovers, with the money paid in, a sum in excess of the jurisdiction of the Superior Court and within the competence of the Superior Court. The wording of the sections of the English County Court Act affecting such cases, is sufficiently identical with the corresponding section in our C. L. P. Act (sec. 346, cap. 50 R. S. O.), as to lead us to believe that the decisions we refer to ought to be accepted here.

While referring to the general question of costs it may be pointed out that while costs may be refused to successful litigants, following the practice of Courts of Equity from time immemorial, still it is only in very rare instances where costs will not follow the result. In what are termed hard cases, and in cases when one of the parties has proceeded upon the faith of a decided case which by the case in question is overruled, and in a few other instances a Judge may interfere, but such interference will very rarely occur, and only for well established reasons."

LAW SOCIETY—TRINITY TERM.

The following is the *resumè* of the proceedings of Convocation, published by authority.

Monday, August 22, 1881.

Present—Messrs. Maclennan, Crickmore, Read, McMichael, J. F. Smith, Hoskin, Bethune, Moss, Glass, Mackelcan, Kerr, and Benson.

In the absence of the treasurer, Mr. Maclennan was appointed Chairman.

Ordered, that the following be appointed a special Committee to confer with the Judges of the Supreme Court of Judicature on the new rules and tariff of fees for the High Court of Judicature, namely, Messrs. Bethune, Maclennan, Hoskin, McMichael, Mackelcan, Glass, Benson, and Kerr.

Messrs. Read, Benson, Smith and Moss were appointed a special committee to report upon candidates entitled to be called with honours and to receive medals under the rules of Convocation.

The committee reported that Mr. J. H. M. Campbell was entitled to be called to the Bar with honours, and to receive a gold medal.—Ordered accordingly.

Ordered, that the following gentlemen be also called to the Bar, namely, Messrs. Watson, McBeth, Crawford, Lavell, Mills, McCarthy, McNab, Scott, C. Bitzer, Macara, McKay, O'Brian, Thompson, Kittermaster, Ford, Curry, Lewis, Gilbert, Morphy, McGill, Miller, Case, Harper, Duncombe. The above-named gentlemen, with the exception of Messrs. Gilbert and Lavell, attended, and were called to the Bar.

Ordered, that the following gentlemen do receive their certificates of fitness, namely:—Messrs. Campbell, Mills, Williams, Bitzer, Ford, Macara, Curry, McBeth, Yale, Miller, Dawson, Lefroy, Lee, Scott Cunningham, Baker, Beavers, Thompson, Sparham, Carbert, Going, and McKay.

Ordered, that the first intermediate ex-