

A statement by the man that was assaulted, made immediately after the assault and in the presence of the accused is admissible in evidence. *Regina v. Drain* . . 535

4. *Conviction—Habeas corpus—Vagrancy—Gaming—Living by means of—Findings of fact by magistrate—Evidence—Sufficiency of.*

See *CONVICTION*, 1, 2.

DECISIONS OF ENGLISH COURTS.

Where conflict between decisions of English and Ontario Courts, the English decisions should be followed.

See *MORTGAGE*, 5.

DECREE FOR SALE OF LANDS.

See *MORTGAGE*, 2.

DEFAMATION.

See *LIBEL*.

DEMURRER.

1. *Security for costs—Equity practice—Deposit of forty dollars.*
—In Equity, where a party appeals to the Full Court from an order of a single Judge overruling or allowing a demurrer, he must pay into Court the usual deposit of forty dollars as security for costs. *Williams v. Magee* 17

2. *Pleading—Plea bad as to part—Demurrer to part of plea—Discontinuance—Amendment—Costs.*—If a plea is bad in part, it is bad as to the whole, and a demurrer should be to the whole plea, otherwise it will work a discontinuance. *Sparham v. Carley* . . 448

Taxation of the costs of a demurrer.

See *COSTS AND SECURITY FOR COSTS*, 6.

DENOMINATIONAL SCHOOLS.

See *CONSTITUTIONAL LAW*.

DEPOSIT BY CANDIDATE AT ELECTION.

See *CHARGING ORDER*, 1.

DEPOSITIONS.

See *FOREIGN COMMISSION*.

DESCRIPTION OF GOODS.

In Chattel Mortgage.

See *FRAUDULENT PREFERENCE*, 2.

DISCONTINUANCE.

See *DEMURRER*, 2.

DISCOVERY OF NEW EVIDENCE.

See *MASTER'S OFFICE*.

DISCRETION.

Exercise of discretion by Sheriff.

See *INTERPLEADER*.

Where plaintiff in issue under Real Property Act non-suited, discretion of Judge to grant a new trial.

See *REAL PROPERTY ACT*, 3.

Of Master to tax increased counsel fees.

See *COSTS AND SECURITY FOR COSTS*, 6.