

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.