

raised to the specific fees stated to have been paid to the witnesses Daly and Sutherland, until after the taxation was completed and certified to.

A person possessed of a pass entitling him to ride free on a railway is subpoenaed to attend as a witness at a trial, and to reach the place of trial and return therefrom he uses his pass; that would not deprive the litigant, who paid him his witness fees, from recovering them as part of the costs to which he was entitled from the other party.

Both of the witnesses named may have had passes and may have used them; if so, each was in pocket the railway fare required to be paid going to and returning from the place of trial. But, so long as they received the witness fees from defendants, how they travelled is no concern of plaintiff.

While the affidavit of disbursements states positively that the witness fees were paid to Daly and Sutherland, the affidavit of Mr. Cameron merely states he has been informed they have not been paid, and that they both travel on a pass. The source from which this information was derived is not disclosed, and the statement may have emanated from some one who merely surmised it.

Had it been shewn on the material before me that no fees had in fact been paid to Daly and Sutherland, it would have assumed a different complexion.

The motion must be dismissed with costs.

JANUARY 30TH, 1905.

DIVISIONAL COURT.

READHEAD v. CANADIAN ORDER OF WOODMEN OF THE WORLD.

*Discovery—Examination of Officer of Benefit Society—Clerk
of Subordinate "Camp."*

Appeal by defendants from order of MEREDITH, C.J., ante 90, affirming order of Master in Chambers, ante 55, dismissing defendants' motion to set aside an appointment for the examination for discovery of one Harley Field, clerk of defendants' Woodstock "Camp," as an officer of defendants.

C. A. Moss, for defendants.

J. W. Bain, for plaintiffs.

THE COURT (BOYD, C., STREET, J., IDINGTON, J.), dismissed the appeal with costs to plaintiffs in any event.