(if even that)—the Court could sit again, if necessary, and have the form of taxation gone through, and insert the amount in the order. The Court is not *functus officio* until everything is done which should be done, as there is no time limit or limit to any particular sittings. The very most that can be said is that the Judge has not stamped with his approval the amount and caused that amount to be inserted in the order.

Prohibition is not *ex debito justitiae,* it is an extreme measure.

Re Birch, 15 C. B. 743; *Re Cummings,* 25 O. R. 607; 26 O. R. 1, and is not granted in case of a mere illegality or irregularity not going to the jurisdiction.

R. v. *Mayor of London* (1893), 69 L. T. 721, or where the judicial officer, having jurisdiction, goes about it in an irregular manner. *R.* v. *Justices Kent,* 24 Q. B. D. 181.

It would, in my view, be absurd to direct prohibition to the County Court Judge forbidding him to act upon an order which he can make right by a few strokes of his pen.

This consideration is, I think, sufficient to dispose of the appeal; my brother Sutherland's order was practically: "Get the Judge to put his order right; if you do, the motion will be dismissed." This is substantially what the Divisional Court did in *Re Hugh* v. *Cavan,* 31 O. R. 189, they said that certain unauthorized papers should be quashed, but further said that the whole matter could be set right at the next sittings of the Court, and gave no costs, as they would have done had prohibition lain.

McLeod v. *Emigh* (2), 12 P. R. 503, and cases cited.

If it were considered that the decisions in cases from the Sessions compelled us to grant prohibition contrary to the opinion just expressed, further considerations would arise.

The cases in our Courts after the change of the language by the Act of 1850, 13 & 14 Vict. ch. 54: "with or without costs to either party, as to the Court shall seem meet," carried into the new practice what had been and has necessarily been the former practice, viz., that the Court exercised at least in form a discretion as to the amount of the costs. In other words, it was considered that "with or without costs to either parts as to the Court shall seem meet" meant the same thing as "award . . . such costs . . . as by the said justices shall be thought most reasonable and just"