

grant the application, or the plaintiff knew the defendant relied on a contention which would entitle him to unconditional leave to defend, the summons will be dismissed with costs in any event, but not payable forthwith.

Where leave to defend is given, costs, as a general rule, will be in the cause.

It is only in exceptional circumstances that costs will be ordered to be paid forthwith.

In Chamber applications generally, costs are made payable by the unsuccessful party in any event, but not forthwith.

Bradburn, for plaintiff. *Alexis Martin*, for defendant.

Martin, J.]

RE SING KEE.

[Feb. 22.

Criminal law—Certiorari—Selling liquor to Indians—View by Magistrate alone.

Summons for certorari. On the trial for selling an intoxicant to an Indian, the Magistrate, after hearing the evidence, but before giving his decision, went alone and took a view of the place of sale.

Held, 1. Quashing the conviction, that the proceeding was unwarranted.

2. Sections 108 of the Indian Act and 889 of the Criminal Code do not prevent proceedings by certiorari where the ground of complaint is that something was done contrary to the fundamental principles of criminal procedure.

Howay, for applicant. *Dockrill*, contra.

Book Review.

Canadian Annual Digest for 1900, by CHARLES H. MASTERS, K.C., and CHARLES MORSE, D.C.L. Toronto 1901: Canada Law Book Company.

This, the fifth of the series of annual digests of which Messrs. Masters and Morse began the publication in 1896, is an exceedingly creditable book which cannot fail to be appreciated by the profession. Next to the Revised Statutes and the Rules of Court, a legal periodical such as the *Canada Law Journal*, which gives at short intervals news of current legal topics and decisions, is perhaps the most used book in a solicitor's office. In Canada the Canadian Annual Digest easily ranks next, in order, among the books which the busy lawyer has to look up. There are digests and there are indices, and occasionally one sees a so-called "index-digest," which is not a "digest" at all, and which lacks many of the features of a good "index."