

being: "And it is further ordered that all disbursements, expense and outlay of every kind (including costs) occasioned to the defendants by the said adjournment be costs to the defendants in any event of the cause; the intention being that the plaintiffs shall reimburse the defendants for and indemnify them against any and all loss that they may suffer by reason of the said adjournment." The defendant applied for leave to inspect the mining workings and premises in question and to do certain experimental work for the purpose of obtaining full information and evidence requisite for the trial but the application was refused, and an appeal from the refusal was dismissed by the Full Court in December, 1898.

The trial afterwards been begun before WALKER, J., at Rossland, and, it appearing to the learned judge's satisfaction after some evidence had been taken, that the inspection previously asked for was then proper, he made an order accordingly upon the defendant's application. The plaintiff then asked for an adjournment of the trial on the ground that it would be necessary for the plaintiff to do certain work in order to preclude the evidence which the defendant expected to derive from the inspection from being evidence, or at all events being conclusive evidence of the continuity of the vein. The application for the adjournment was resisted by counsel for the defendant on the grounds, first, of the great expense, stated to be over \$40,000.00, that it would occasion and, second, on the ground of the danger that the adjournment would prevent the defendant having the benefit of the attendance of certain witnesses, eminent mining engineers, whose presence it was unlikely could be procured at an adjourned trial. The learned trial judge granted the adjournment but ordered that the costs occasioned by it should be costs to the defendant in any event. The plaintiff appealed from both orders.

*Held*, that the order as to costs should be varied so that the costs should abide the result of the issues to which the inspection related. *Forester v. Farquhar* (1893) 1 Q.B. 564, followed. Costs of appeal to be costs in the cause.

*Bodwell*, Q.C. (*MacNeill*, Q.C., with him), for appellant. *Davis*, Q.C. (*Galt*, with him), for respondent.

INTERCOLONIAL RAILWAY.—The following letter from a prominent citizen speaking of the excellent service and courteous treatment on the I.C.R. has been received by the General Passenger Agent:

"A number of our party who attended the Dominion W.C.T.U. Convention feel that we should at least write and tell you how very much we all enjoyed the trip to Halifax by the I.C.R. Personally speaking I have been travelling for many years but never remember a line so smooth, drawing-room cars so comfortable, officials so extremely courteous, and meals so beautifully served and well prepared as by your line. We are grateful for the low rates you kindly gave us. Rest assured that we will always put in a good word for the I.C. Railway. Thanking you for the courtesy and kindness shown to these delegates en route to, and return, from Halifax."