

by the accused on the preliminary enquiry and before the Court of Queen's Bench. *R. v. St. Louis* (1897), 1 Can. Cr. Cas. 141 (Que.). The costs allowed were not the fees and disbursements paid by the accused to his counsel, such payment being a matter between client and counsel but such costs as were held by analogy with the costs allowed in civil suits to be costs recoverable from a losing party. Such costs should be taxed according to a tariff made for criminal proceedings, and in the absence of such tariff they are to be taxed in the discretion of the Judge, by implication, according to the spirit of the provisions contained in this section. *Ibid.*

The taxation of costs against an unsuccessful private prosecutor who has at his own request been bound over to prefer an indictment, is controlled by sec. 1047, and the scale of costs in the absence of a tariff for criminal proceedings is the lowest scale in civil suits in the Court in which the indictment is tried. *R. v. Gouillouid*, 7 Can. Cr. Cas. 432.

By the Proper Officer.—It may be that there is no appeal from the decision of the "proper officer" to a Judge. *Reg. v. Newhouse* (1858), 22 L.J.Q.B. 127.

In British Columbia.—In all proceedings under these rules the party entitled to costs shall tax the same according to the scale in force in the Supreme Court, and if no provision is made for work done under these rules, then the taxing officer shall allow such reasonable amount according to scale in force, or as near thereto as circumstances will admit of. B.C. Rule 61.

District of Montreal.—The practice in Montreal is to tax costs under this section on the tariff of the "fourth class" of civil appeals.

Court May Order Compensation for Loss of Property in Addition to Payment of Costs.—Code sec. 1048.

Court May Order Compensation to Bonâ Fide Purchasers of Stolen Property.—Code sec. 1049.

Restitution.

Restitution of Stolen Property.—See Code sec. 1050.

The expression "property" includes not only such property as was originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise, and all deeds and instruments relating to or evidencing the title or right to any property or giving a right to recover or receive any money or goods. Code sec. 2(32).

To entitle the aggrieved party to an order for the restitution to him of money found on the prisoner convicted of stealing money from the person, proof must be adduced identifying the money so

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