

7. *Appeal*.—No appeal lies directly to the Supreme Court from an order of Justices for the removal of paupers. Even in a regular appeal new evidence cannot be taken in this Court.—*Overseers of the Poor for Greenfield v. Overseers of the Poor for Goshen*..... 695
8. *Capias*.—Where the defendant, in the affidavit on which a rule to set aside a *capias* is granted, swears positively that he was not about to leave the Province at the time of his arrest, and had not, nor has any intention of doing so, the affidavit in reply must state *facts* from which it can clearly be inferred that it was his intention to leave, or the rule will be made absolute.—*Hunt v Harlow*..... 709
9. *Certiorari*.—It is discretionary with the Court on an application for a Writ of Certiorari, either to grant the Writ in the first instance, or merely a rule *nisi* therefor.—*In re T. J. Wallace*..... 525
10. *Costs in Ejectment*.—Where a defendant in ejectment first pleaded denying the plaintiff's right to the possession of the *whole* of the land claimed, but afterwards obtained leave to amend his plea, so as to limit his defence to a *part* of the land only, and that the amended plea should be treated as if pleaded in the first instance, and the plaintiff then signed judgment for the residue, and discontinued as to that part covered by the plea,
Held: That the plaintiff was entitled to costs on his judgment for that portion of the land disclaimed by the amended plea, and the defendant to judgment with costs for that portion for which he defended.—*Fairbanks v. Roles* 13
11. *Costs of the Day*.—A cause had been set down for trial by a special jury, at the instance of the plaintiff's attorney; but, the *venire* not having been issued in time, ten only of the special jury attended. The plaintiff offered to try the cause with nine of the jurors who so attended, or with the common jury, but the defendant refused to consent, and the cause was continued.
Held: That the defendant was not, under these circumstances, entitled to the costs of the day.—*Zink v. Zink*..... 721
12. *Costs on Rules*.—Costs will always be given on rules made absolute unless the Court otherwise order.—Per *Bliss J.* in *Cowling v. LeCain* 720
13. *Costs of Witnesses*.—Where two suits are brought for the same cause of action by the same plaintiffs against different defendants, but the pleas are the same, and the witnesses the same in both suits, and notice of trial is given in both for the same time, the witnesses are entitled to fees only in one of the suits.—*The Nova Scotia Land and Gold Crushing and Amalgamating Company (Limited) v. Archibald Bollong. Idem v. Neal Bollong*..... 723
14. *Execution*.—Where a Judgment has been duly recorded in the life time of a deceased party, and his estate has been declared insolvent by the Probate Court, an execution may, nevertheless, be issued on such Judgment, on a proper suggestion of the facts on the record, against his executor or administrator, but can be extended only on the land bound by such judgment.