

the convenience of witnesses out of the jurisdiction, beyond the necessary cost of procuring their attendance, are not taxable.

Where the Master allowed a brief to one of the defendants at the hearing, but on appeal from the taxation, the defendant claimed an increased allowance,

Held, that it was a matter peculiarly within the province of the Master to determine, and that his ruling should not be disturbed.

The Master allowed only \$100 for counsel for defendant B., although B. had obtained a judge's *fiat* for \$150. \$100 was the full fee charged in the bill of costs, and there was no evidence that a larger fee was paid.

Held, that the Master was justified in allowing only the fee of \$100.

To be allowed the costs of a witness attending at a trial, but not called or examined, it is necessary to show four things: (1.) That he was a necessary and material witness. (2.) That he was in attendance. (3.) What he was brought to depose to. (4.) The reason why he was not examined. *McMicken v. The Ontario Bank*, 513.

Application to stay proceedings under Real Property Act until costs of former suit in Queen's Bench paid.

See REAL PROPERTY ACT, 6.

Awarding costs against private prosecutor.

See CONVICTION, 1.

Nature of security required to be given by petitioner presenting an

election petition. What is current money of Canada.

See ELECTION PETITION, 2, 4.

Where new trial ordered.

See EXECUTION.

Where a second winding-up petition is presented.

See COMPANY, 2.

COUNSEL FEE.

Appeal from Master's taxation.

See COSTS AND SECURITY FOR COSTS, 6.

In County Court.

See COSTS AND SECURITY FOR COSTS, 2.

COUNTY COURT.

1. *Appeal—Replevin—Leave to appeal—Special grounds.*—In an action of replevin in a County Court in which a mother and daughter were defendants, the plaintiff swore to an agreement by which the daughter hired of the plaintiff a sewing machine and agreed to pay therefor \$5 a month until \$75 should be paid, and in default the plaintiff was to be at liberty to re-take the machine, and until full payment no title was to pass. He also gave evidence that he had been paid \$5 and no more. The defendants both gave evidence, but did not dispute these statements of the plaintiff. The only defence raised was a set-off of the mother on an old claim against the plaintiff, alleged to have been assigned to the daughter. The jury found a verdict for the defendants. On motion the County Court Judge set aside this verdict and entered one for the plaintiff.