When one remembers that Corr left Ireland now more than fifty-five years ago, a boy of twenty, the entire worthlessness of the proposed evidence becomes apparent.

Apart from all other objections, I think the motion is vicious in principle, and that the learned Master is proceeding upon an erroneous theory. It is his duty to allow the claimants to present their respective claims as they best can, and each at his own risk as to costs; and, if each and all of the claimants fail to establish a claim, then the fund goes to the Crown; and the Crown will, no doubt, recognise any fair claim that may at any time be made out.

The motion must be dismissed. I think there should be no costs.

MIDDLETON, J., IN CHAMBERS. APRIL 29TH, 1912.

WALLACE v. EMPLOYERS' LIABILITY ASSURANCE CORPORATION.

Costs—Scale of—Money Recovery within County Court Jurisdiction—Declaratory Judgment Affecting Further Sums—Jurisdiction of Trial Judge to Deal Provisionally with Scale of Costs—Power to Make Order after Judgment Entered—Con. Rule 1132*—Taxation—Appeal.*

Appeal by the defendants from the ruling of the Senior Taxing Officer at Toronto, that the plaintiff was entitled to tax costs on the High Court scale and that the defendants were not entitled to tax the excess of their costs over and above County Court costs, under Con. Rule 1132.

Irving S. Fairty, for the defendants.
D. Urquhart, for the plaintiff.

MIDDLETON, J.:—The action was brought to recover weekly payments due upon an accident insurance policy. The defendants disputed all liability; but, in addition to the question of liability, there was a question whether the plaintiff should recover single or double liability.

The action came on for trial before the Chief Justice of the Common Pleas, who gave judgment in favour of the plaintiff, but reserved the question as to the scale of liability. Some discussion then took place, in which the Chief Justice stated that,