

BOYD, C.]

[Jan. 2.]

DONOVAN v. HALDANE.

Appeal to Court of Appeal—Undertaking not to appeal—Notice of appeal and appeal bond—Power of court below to set aside.

A judgment of the High Court of Justice contains an undertaking by the plaintiff not to appeal therefrom; notwithstanding which the plaintiff filed and served notice of appeal to the Court of Appeal, and also filed the usual bond for security for costs.

Held, that the action was not removed out of the High Court of Justice into the Court of Appeal; the notice and bond were irregular and unwarrantable proceedings, and the High Court being still seized of the case, could interfere, by virtue of its inherent jurisdiction, to set them aside.

Donovan, the plaintiff, in person.

C. Millar for the defendants.

STREET, J.]

[Jan. 23.]

HOPE v. TRADERS' BANK.

Costs—Taxation—Proof of documents.

Other means having been provided by statute for proving documents at the trial of actions, the costs of obtaining orders for subpoenas to public officers to produce documents, and of procuring the attendance of such officers at trials, should not be allowed on taxation except where it is clearly shewn that the documents could not be proved in any other way.

W. H. Blake for plaintiff.

Lefroy for defendants.

Law Society of Upper Canada.

THE LAW SCHOOL,
1891.

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