tion were not guilty of any intentional wrongdoing in joining the corporation as plaintiffs, they should not be made liable for the defendants' costs.

Aylesworth, Q.C., for the plaintiffs Cook and Bemrose, and their solicitors.

Strathy, Q.C., for the defendants.

Q.B. Div'l Court.] [Dec. 24.

CLARKE *v.* CREIGHTON.

Costs—Counsel fees—Barrister conducting his own case.

A counsel conducting his own case in court cannot tax a counsel fee against the opposite party.

Smith v. *Graham*, 2 U.C.R. 268, followed.

S. R. Clarke, the plaintiff, in person.

W. R. Riddell for the defendant's solicitor.

BASKERVILLE *v.* VOSE.

Costs—Order of trial judge as to, under Rules 1170, 1172—"Good cause"—Scale of costs—Set-off.

In an action for damages for assault and negligence brought in the High Court, and tried with a jury, a verdict for $110 damages was rendered. The trial judge directed judgment to be entered for that sum with County Court costs, and ordered that the defendant should have no right to set off the excess of his costs incurred in the High Court over County Court costs in the manner provided by Rule 1172. The trial judge's reasons for making the order preventing the set-off were (1) because the defendant had induced the plaintiff to go with him to his own physician after the assault complained of, promising to pay the bill, and had afterwards refused to perform his promise: and (2) because the plaintiff might reasonably have expected the damages to have been allowed at more than $200, and so was entitled to bring his action in the High Court.

Held, that neither of these reasons could be treated as "good cause" within the meaning of Rule 1170; and therefore the costs should follow the event under Rule 1172.

McNair v. *Boyd*, 14 P.R. 132, followed.

Du Vernet for the plaintiff.

Shepley, Q.C., for the defendant.
