

occurrence. The matters as to the allowance or disallowance of the costs of the commission were all brought and argued before the taxing officer, and he passed upon them deliberately—so that all that remained to be done formally was to put the objections to his ruling in writing, that he might answer them in writing—and this could well be done *nunc pro tunc*, after the signing of the allocatur as before. But the solicitor omitted to file his objections, and before he could do so the certificate was signed, and technically the Master was *functus officio*. But upon application to the Judge who tried the case he is evidently of opinion that the costs of the commission evidence should have been taxed, as contended for by Mr. Hamilton, and so made the order for opening up, now under appeal. We think he had the power to intervene, and that the exercise of his discretion should not be touched on appeal.

Affirm order, but no costs.

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JANUARY 24TH, 1906.

DIVISIONAL COURT.

JONES v. REID.

*Premissory Note—Alteration after Signature of Maker—Insertion of Interest Clause—Material Alteration—Avoidance of Instrument—Subsequent Conduct of Maker—Estoppel—Ratification.*

Appeal by plaintiff from judgment of MACMAHON, J., 6 O. W. R. 608, dismissing action as against defendant John M. Reid.

J. B. Mackenzie, for plaintiff.

A. H. Clarke, K.C., for defendant John M. Reid.

THE COURT (MEREDITH, C.J., ANGLIN, J., MABEE, J.), dismissed the appeal with costs.

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STREET, J.

JANUARY 26th, 1906.

CHAMBERS.

RE HODGE AND KERR.

*Prohibition—Magistrate—Criminal Prosecution—Motion—Forum—Jurisdiction of Magistrate—Submission.*

Motion by Frederick Kerr for prohibition to a magistrate to prohibit him from proceeding to hear a complaint against