This is perhaps the richest jest in the book, though the following one is well worth repeating. Lord Campbell called on Brougham in Grafton Street, and on meeting him the latter said: 'Lord bless me, is it you? they told me it was Stanley!' In the evening, in the House of Lords, Lord Campbell went up to Brougham and Lord Stanley, who were engaged in conversation, and mentioned the circumstance. Lord Brougham remarked:—

'Don't mind what Jack Campbell says. He has a prescriptive privilege to tell lies of all Chancellors dead and living.'

From which we infer that Lord Campbell need not have felt the slightest remorse about his spiteful inuendoes and assertions; and that, if this biography had been published during the lifetime of Lord Brougham, he would only have laughed at it, and reminded us of Jack Campbell's prescriptive privilege in respect to Chancellors dead and living.—*Law Journal.*

ONTARIO REPORTS.

COMMON LAW CHAMBERS.

NOTES OF RECENT CASES.

Bank of British North America v. White.

Taxation—Revision—Explanatory affidavit.

Taxation on entering judgment in the deputy's office, London. Ordinary affidavit of disbursements produced and filed with deputy master. Objection taken, that some of the witnesses were not examined at the trial. An admission to that effect was made by plaintiff. The deputy held that it was unnecessary to show that the witnesses were examined, or to file any affidavit setting forth matter giving good reason for their not being called and examined; and that no affidavit other than the ordinary affidavit of disbursements was necessary.

The costs were revised before the master at Toronto, who held that the deputy was wrong, and that as an admission was made that some of the witnesses were not called and examined, the costs of such witnesses could not be taxed without an affidavit showing good and sufficient reason why they were not called and examined; but the master allowed plaintiff to file such an affidavit on the revision, as an exception to the rule that the revision, on notice before the master at Toronto, must be on the same material only as before the deputy, were the master considering that such affidavit was not filed, owing to the mistaken ruling of the officer of the court, and that therefore the plaintiff should not be prejudiced thereby. This decision was appealed from.

J. K. Kerr for appellant.

S. Richards, Q. C., contra.

Richards, C. J., held that the master was right in receiving plaintiff's explanatory affidavits as to the witnesses not called or examined.

Moore v. Price et al.

Costs—31 Vic. cap. 24, sec. 2, sub-secs. 2, 4.

[January 16, 1869.]

In this action a verdict having been found for the plaintiff for $118, Mr. Justice Gwynne, before whom the case was tried, certified on the record as follows: "I certify to entitle the plaintiff to County Court costs."

The plaintiff taxed County Court costs in the presence of the defendants attorney at $66 76, which taxation was admitted by the attornies for both parties to be correct.

The defendants attorney then produced and required the taxing officer to tax a Superior and County Court bill, claiming that he had a right to set off the difference between the two bills produced by him against the plaintiff's costs.

The taxing officer refused to allow any set off for costs to the defendants.

It was agreed that if the defendants were entitled to set off costs against the plaintiff that the amount that ought to be set off was $26 33.

The question then arose, whether, under the statutes of Ontario, 1867–68, cap. 24, sec. 2, subsecs. 2, 4, particularly, and the effect of the statute generally, the defendants had a right to set off costs of defence against the plaintiffs costs and verdict?

Crombie for plaintiff.

John Wilson, J.—Ordered the Master to tax to the plaintiff County Court costs, and not tax to defendant any costs of suit.

Boyd et al. v. Haynes (British America Assurance Co. Garnishee.)

Attachment of debts—Verdict—Affidavit.

[February 1, 1869.]

Duggan, Q. C., for execution creditors, moved for an order on the garnishee to pay over to the creditors the amount of a verdict recovered on a policy of assurance against fire.

Spencer, for judgment debtor, showed cause.

Hagarty, C. J.—A verdict for unliquidated damages cannot be attached, and it makes no difference that the garnishees attorney told the attorney for the judgment debtor, that they had agreed on the costs, and promised to pay without seeking judgment. If not a debt until judgment this conversation cannot make it such.

An application of this kind must be supported by an affidavit of the plaintiff or his attorney.

Reg. ex rel. Fluett v. Semandie.

Municipal election—Qualification—Assessment roll.

[February 20, 1869.]

This was an application to unseat one of the councillors elect for the town of Sandwich, on the ground that he was not possessed of sufficient property qualification.

Harrison, Q. C., for relator.

Warmoll contra.

John Wilson, J. — A person desiring to qualify as town councillor cannot supplement his qualification on his real estate, which was assess-