

view of the evidence was it possible for the magistrate to make the inferences necessary to support the information, and the application was, therefore, refused.

Held, also, that it is clearly quite an insufficient compliance with the statute for the prosecution to shew merely that an accused party has no apparent occupation or calling, other than gaming, and that he gambles frequently and habitually.

The Queen v. Herman . . . 330

Liquor License Acts—Selling during prohibited hours—Proof of License—Amendment of conviction.

See LIQUOR LICENSE ACT.

CORROBORATIVE EVIDENCE.

See EXTRADITION.

COSTS AND SECURITY FOR COSTS.

1. *Equity practice—Demurrer—Deposit of Forty Dollars.*—In Equity, where a party appeals to the Full Court from an order of a single judge overruling or allowing a demurrer, he must pay into Court the usual deposit of forty dollars as security for costs. *Williams v. Magee* 17

2. *Costs—Taxation of—Witness fees—Counsel fees—County Courts Act—Transcript of judgment—Effect of.*—There is an appeal to the Court of Queen's Bench from the decision of a County Court judge on taxation of costs if a question of legal principle is involved.

A defendant in a replevin suit in a County Court took a veterinary surgeon to the plaintiff's residence, in order to examine the animal in

question, for the purpose of giving evidence at the trial. The defendant succeeded in the action, and on taxation of costs the County Court clerk made an allowance to the veterinary surgeon for his time and expenses, and to the defendant for his expenses accompanying him.

This was affirmed by the County Court judge on revision of taxation.

No counsel fee can be allowed in a County Court to any person except a duly qualified barrister or attorney, and if the objection is taken, the onus is on the person claiming, to prove his title to the fee.

Schedule C. of the County Court Act, 1887, provides that "the costs must be strictly taxed according to the very letter and spirit of the tariff, and before taxation of witness fees the fees must be actually paid, unless the judge otherwise orders." On taxation the County Court clerk allowed certain witness fees, which had not been actually paid. On revision of taxation by the County Court judge he made an order allowing them.

Held, that the County Court judge had jurisdiction to make the order.

Semble, Where judgment has been obtained in a County Court and a transcript has been obtained and filed in another County Court or in the Court of Queen's Bench, it still remains a judgment of the original County Court. *Tait v. Burns*, 19.

3. *Practice—Certificate against set-off of costs.*—Where an action is brought in the Queen's Bench on a cause of action clearly within the jurisdiction of the County Court, a certificate to prevent a set-off of full Queen's Bench costs will be refused. *Macdonald v. Harrison* . . . 153