

Upon the hearing, all points taken upon behalf of the prisoner were disposed of adversely to him, except one point upon which judgment was reserved, viz., that, whereas his true name was Russell Bearden, he was called in the warrant of commitment "Russell Reardon."

Counsel for the Crown suggested that it was a case for the exercise of the power of amendment conferred upon the Court by sec. 1124 of the Criminal Code. The learned Judge thought that there was evidence which, if believed, justified the magistrate in convicting the prisoner; but felt that he could not say that upon perusal of the depositions he was satisfied that an offence of the nature described in the conviction had been committed: therefore, he thought that he had no power under sec. 1124.

Since the hearing of the motion, a warrant of commitment, bearing the same date as the one produced upon the hearing and describing the prisoner as Russell Bearden, had been handed in. There seemed to be no doubt as to the power of the magistrate to issue this new warrant; there was no necessity for the amendment of a return—there was no formal return—and, the only ground upon which judgment was reserved failing in fact, whatever might be its merit as a point of law, there was nothing to do but to remand the prisoner into custody.

Order accordingly.

SUTHERLAND, J., IN CHAMBERS.

SEPTEMBER 30TH, 1919.

BRAGG v. ORAM.

Costs—Scale of Costs—Action Brought in Supreme Court—Injunction—Damages—Value of Land in Question—Jurisdiction of County Courts—County Courts Act, R.S.O. 1914 ch. 59, sec. 22 (c), (i).

Appeal by the defendant from the ruling of the Taxing Officer that the costs of this action, which was brought in the Supreme Court of Ontario, should be taxed on the scale of that Court.

W. E. Raney, K.C., for the defendant.
J. M. Ferguson, for the plaintiff.

SUTHERLAND, J., in a written judgment, said that the action was brought to restrain the defendant from obstructing certain streets shewn on a plan, by ploughing them and growing crops, and to compel the defendant to restore the streets to their former