

written by the plaintiff making a proposal which the defendants agreed to.

*Held*, that the plaintiff was entitled to have his own letter produced by the defendants for his inspection before delivery of his statement of claim, in order to enable him to frame it properly.

*Hooy v. Gilbert*, 12 P.R., 114, distinguished.

It is not necessary that an application by a plaintiff for inspection should be supported by a specific statement of merits, if from the material before the Court it can be determined whether the claim is or is not based upon merits.

T. S. Jarvis for the plaintiff.

Kilmer for defendants.

Q. B. Div'l Ct.]

[June 27.

FULTON v. VIPOND.

Costs—Depriving successful party of—"Good cause"—Rule 1170—Reversing decision of trial Judge—Application of trial.

The Court can interfere with the trial Judge's discretion in depriving a successful party of costs in an action tried by a jury, where he has given effect to considerations which do not constitute "good cause" within the meaning of Rule 1170.

The plaintiff's principal claim, upon which he succeeded, was for wood cut and removed by the defendant. The trial judge ruled that the conduct of the plaintiff caused unnecessary litigation, and he deprived him of the costs of that claim. The plaintiff and defendant had each had a measurement made, and differed as to the result. The plaintiff refused to have a re-measurement, and brought the action, the result of which showed that his measurement was correct.

*Held*, that the plaintiff's refusal was not misconduct inducing the litigation, and there was no "good cause" for depriving him of costs.

*Huxley v. West London Extension R. W. Co.*, 14 App. Cas., at pp. 33-4, specially referred to.

Rule 1170 provides that where an action is tried by a jury the costs shall follow the event, unless upon application made at the trial for good cause shown, the Judge otherwise orders.

*Semle*, that there must be substantially an application at the trial, and if the trial Judge participating the application of counsel makes the

order in presence of opposing counsel, he makes it on application.

D. W. Saunders for the plaintiff.

Hoyle, Q.C., for the defendant.

## Appointments to Office.

PROVINCE OF ONTARIO.

The Honorable Sir Thomas Galt, Knight, Chief Justice of the Common Pleas, Ontario, to be the Administrator of the Government of the Province of Ontario during the absence on leave of the Honorable Sir Alexander Campbell, K.C.M.G., the Lieut.-Governor of the said Province of Ontario.

LOCAL JUDGE OF THE HIGH COURT OF JUSTICE.

*District of Thunder Bay.*

Frederick William Johnston, of Goderich, Junior Judge of the District Court of Thunder Bay, to be Local Judge of the High Court of Justice for Ontario.

COUNTY COURT JUDGES.

*Grey.*

Duncan Morrison, of Owen Sound, Barrister, to be Deputy Judge of the County Court of the County of Grey.

*Oxford.*

Henry Birkett Beard, of Woodstock, one of Her Majesty's Counsel, to be Deputy Judge of the County Court of the County of Oxford, for the period of four months, from 1st July, 1890.

*Nova Scotia.*

John P. Chipman, of Kentville, one of Her Majesty's Counsel, to be Judge of the County Court of the several counties comprised in district number four, in the Province of Nova Scotia.

SHERIFF.

*District of Thunder Bay.*

Alexander William Thompson, of Port Arthur, to be Sheriff in and for the District of Thunder Bay, *vice* John Fitzgerald Clarke, deceased.

LOCAL REGISTRAR.

*District of Thunder Bay.*

James Meek, of Port Arthur, to be Local Registrar of the High Court of Justice for Ontario, Clerk of the District Court, and Registrar of the Surrogate Court, in and for the District of Thunder Bay, *vice* Charles Kreissman, resigned.