LONGDEN *vs.* ROSENFELS.

Attorneys' costs for attendance in Court at the hearing of Appeal cases.

Where an Attorney had charged for attendance in Court for all the days on which an appeal had been upon the roll, and also for the day upon which the appeal was actually heard, and the Taxing Officer had disallowed all such items, the Court held, *in revision, that Attorneys were entitled to charge for attendance in Court only for the first day upon which the case had been placed upon the roll in any term or terms, and also for the day on which the appeal was actually heard.*

1891.
Jan. 12.
„ 13.

Longden *vs.* Rosenfels.

This was an application for revision of taxation under the following circumstances: On August 5th, 1890, there was a certain appeal, *Longden* vs. *Rosenfels*, placed upon the roll of the Court. The case was not heard that term. On November 4th the case was again placed upon the roll, and was actually called for hearing on November 24th.

The attorney charged 6*s.* 8*d.* each day, viz., August 5th to 31st and November 4th to 23rd, for being in attendance in Court, and on the 24th, the day on which the appeal was actually heard, the attorney charged £1 1*s.* All the items were taxed off by the taxing officer.

Esselen, for Longden: This is a question of revision of taxation in which two questions arise. (1) Is an attorney entitled to charge for attendance in Court while an appeal is being heard? (2) Is an attorney entitled to charge for attendance in Court while the appeal is upon the roll? (*Cf. Law* 8 of 1883.)

Jeppe, for the Taxing Officer.

Cur. adv. vult.

Posteà, January 13th.

KOTZÉ, C.J.: We are of opinion that costs for attendance in Court can only be granted to attorneys in appeal

1891.
Jan. 12.
„ 13.

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cases for the first day upon which the appeal has been placed upon the roll, and if the hearing is postponed to a subsequent term, then for the first day that the appeal was placed upon the roll in such term, and further for the actual day or days on which the appeal is heard. There will be no order with reference to the costs of this application.

DE KORTE and AMESHOFF, JJ., concurred.

S. SYNDICATE *vs.* JOHN BALLOTT GOLD MINING CO.

Claim licences.—Misdescription of claims.—Pegging of claims by person knowing circumstances.

The farm Elandsfontein was divided into two portions, viz., "S and J" and "G." The plaintiffs' predecessor took out licences to peg claims on the S and J portion of the farm, but, not knowing exactly where the boundary line was, pegged the claims on the G portion. Licences were regularly paid on these claims, which were also duly amalgamated. Subsequently Ballott became aware of the irregularity, and pegged off the claims knowing that they belonged to the plaintiffs. The Court held *that a person who, knowing better and being fully acquainted with the circumstances, disturbs another person in his possession of claims simply because of an informality or misdescription in the licences, cannot be allowed to take advantage of such informality or misdescription, where it appears that the person in possession has acted* bonâ fide, *and consequently awarded the claims to the plaintiffs.*

1890.
June 30.
July 1.
1891.
Jan. 15.

S. Syndicate *vs.* John Ballott Gold Mining Co.

The farm Elandsfontein was divided into two portions by a line which ran down a spruit or natural watercourse. Elandsfontein I. was known as the Simmer and Jack portion, and Elandsfontein II. was known as Beckett's and subsequently Geldenhuys' portion. In the beginning of January, 1889, 214 licences were taken out in the name of Benjamin to peg upon Elandsfontein I., *i.e.*, the Simmer and Jack portion. Between January 14th and 26th these claims were pegged