

by-law might have been passed; and, therefore, the contributory township might well proceed, relying on the good faith of the initiating township to make all necessary amendments.

*Semle, per MACMAHON, J.:* The contributory township had no power to pass a by-law for raising its share of the proposed expenditure until the initiating municipality had passed its by-law for the construction of the works.

*Mabee* for the plaintiff.

*Garrow, Q.C.*, for the Township of Grey.

*McPherson* for the Township of Elma.

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### Practice.

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ROSE, J.]

[Sept. 12.

RICE *v.* KINGHORN.

*Costs—Mortgage action—Appearance—Judgment—Rule 718 (1349).*

Where a defendant in a mortgage action desires only to dispute the amount claimed, but, instead of giving the notice referred to in Rule 718 (1349), enters an appearance in which he disputes the amount, judgment cannot be entered on *precipe*; a motion to the court becomes necessary, and the defendant so appearing must pay the additional costs of it.

*W. H. Blake* for the plaintiff.

No one appeared for the defendant.

Court of Appeal.]

[Sept. 27.

CHAMBERS *v.* KITCHEN.

*Revivor—Order for, after judgment—Motion to set aside—Rule 622.*

Order and decision of STREET, J., 16 P. R. 219, refusing to set aside order of revivor, affirmed.

*L. F. Heyd* for the appellant.

*H. J. Scott, Q.C.*, for the respondent.

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### NOVA SCOTIA.

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SUPREME COURT.

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GRAHAM, J.]

REGINA *v.* MOREAU.

*Habeas corpus—Seaman's Act, R.S.C., c. 74, s. 91 (a)—Imprisonment—Hard labour—Insufficient penalty.*

One Louis Moreau, having been brought before the stipendiary magistrate and recorder for the town of Pictou, charged with desertion from the s.s. *St. Olaf*, confessed the charge, and was convicted and sentenced "to be imprisoned