

that it did not shew on its face that the debtor was a resident of the county for which the Commissioner who granted the warrant acted. Sec. 27 (2) of the Act contained the following provision: "The warrant of commitment may be in the form I. in the schedule, etc." The warrant in question exactly followed the form which did not require that the fact referred to should be shewn on its face.

*Held*, that the warrant was sufficient and that the application for the discharge of the debtor must be dismissed. *Re Baltimore*, 25 N.S.R. 106, distinguished.

*Held*, also, that it was to be presumed that the Commissioner acted rightly. *McKay v. Campbell*, 36 N.S.R. 522; *The Queen v. Silkstone*, 2 Q.B. 52; and *Taylor v. Clemstone*, 11 C. & F. 641, referred to.

*Power*, K.C., in support of application. *Ralston*, K.C., contra.

---

Graham, E.J.—Trial.]

[August 8.

MILLER v. WEBBER.

*Fisheries—Net set without license—Fisheries officer justified in seizing—Powers of Dominion Parliament.*

*Held*, 1. Legislation prohibiting the use of nets of certain descriptions for the purpose of taking deep sea fish, except under special license, having in view the prevention of over fishing or the undue destruction of fish on the coasts of Canada, is reasonable and in the interests of the general public and is within the jurisdiction of the Dominion parliament to enact.

2. It is within the jurisdiction of the Dominion parliament to impose a license fee or tax as a condition of the issue of such licenses where granted.

3. It is a sufficient justification to a fisheries officer seizing a net set for the purpose of taking deep sea fish on the coast of one of the provinces of Canada to shew that it was set without license or the payment of the fee required.

*J. A. McLean*, K.C., for plaintiff. *Macilreith*, K.C., for defendant.