

may be imposed of "not less than \$50" and for a second offence of "not less than \$100."

*Held*, that for a first offence the justices cannot impose a fine of more than \$50. MACLENNAN, J., dissenting.

On application to a judge for a writ of habeas corpus he may refer the same to the Court which has jurisdiction to hear and dispose of it. IDINGTON and MACLENNAN, JJ., dissenting. Prisoner discharged.

*Masters*, K.C., and *C. L. Hanington*, for application. *J. A. Ritchie*, contra.

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## Province of Ontario.

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### COURT OF APPEAL.

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From Teetzel and Anglin, JJ.]

[Feb. 26.]

IN RE PORT ARTHUR AND RAINY RIVER ELECTION.

PRESTON v. KENNEDY.

*Provincial Election—Voters' list—Finality of—Scrutiny.*

*Held*, affirming the decision of the rota judges that, upon a scrutiny, the voters' lists are final and conclusive evidence of the right of the persons named therein to vote; and no enquiry can be then entered into respecting the votes of persons on the lists, as, for example, that the voters were aliens or under age. Such questions of fact are, under Ontario Voters' Lists Act, R.S.O. 1907, c. 7, to be tried and determined before the voters' list is finally settled, revised, and transmitted. The only exceptions are those mentioned in s. 24 of the Act.

*Mowat*, K.C., for appellants. *Hellmuth*, K.C., and *W. J. Elliott*, for respondent.

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### HIGH COURT OF JUSTICE.

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Anglin, J.]

[Jan. 4.]

VANO v. CANADIAN COLOURED COTTON CO.

*Discovery—Next friend of infant plaintiff—Right to examine.*

The next friend of an infant plaintiff is not "a party to the action or issue, whether plaintiff or defendant," under Con.