

review by the Minister; but the statute surely does not contemplate a controversy in the Courts over a question of prison discipline.

The Habeas Corpus Act probably has no application to this case, and I am not sure that the writ was not granted *per incuriam*. It does not apply to any person imprisoned by the judgment, conviction or order of the Supreme Court or other Court of Record. Where, as here, the accused is imprisoned under a conviction, he must seek redress by application to the Minister of Justice, who alone appears to have authority to review the action of the prison officials.

The application is, therefore, dismissed, with costs, and the convict is remanded to custody.

Since the above was written, I have been handed a statement shewing that, apart from cancelled remission, the accused has $87\frac{1}{2}$ days to serve, and, in addition, 117 days forfeited— $204\frac{1}{2}$ days in all.

HON. MR. JUSTICE KELLY.

JULY 8TH, 1914.

BAND v. FRASER.

6 O. W. N. 709.

Account — Promissory Note — Payment into Court—Discharge of Mortgage—Reference.

Motion by plaintiff for judgment on the pleadings.

S. R. Broadfoot, for plaintiff.

W. C. Greig, for defendant.

HON. MR. JUSTICE KELLY:—My direction was, at the close of the argument, that on payment into Court by plaintiff of \$1,000 as security for whatever amount is found to be overdue on the \$1,272 note on the taking of an account between the parties, defendant should forthwith, at his own expense, procure and register a proper discharge of plaintiff's land from the Soper mortgage referred to in the material; and that, if the parties fail to agree upon the account between them, there would be a reference to the Master at Ottawa to take the account, and that, on such discharge being registered, there would be paid out to de-