

Province of New Brunswick.

SUPREME COURT.

McLEOD, J. }
In Chambers. }

[Oct. 5.]

EX PARTE MCMANUS.

Habeas corpus—Practice—Justices' Court.

McManus was arrested on a capias issued out of a magistrate's court on a defective affidavit, and committed to gaol on the return of the capias, and at the trial his counsel appeared, objected to the affidavit, and addressed the jury. A verdict was given for the plaintiff. The matter was then taken up on a habeas corpus order to obtain prisoner's discharge. It was argued that the property remedy was by review under the Justices' Act, or by certiorari; and also that the defective affidavit had been waived.

Held, that the prisoner was entitled to his discharge.

Fowler, for prisoner.

White, Solicitor-General, contra.

COUNTY COURT.

FORBES, J., }
In Chambers. }

[Oct. 1.]

DONALD ET AL. v. SEGEL ET AL.

Costs—Mechanics' Lien Act.

The sole question in this case was the amount of costs to which either or both parties were entitled in contested cases, the one side contending that costs must be limited to ten per cent. on the amount received, and the other contending that costs were in the discretion of the Judge in contested cases.

Held, that costs were in the discretion of the Judge in contested cases.

S. Alward, Q.C., supported the first contention, and *H. H. Pickett* the latter.

Province of Manitoba.

SUPREME COURT.

BAIN, J.]

[Oct. 6.]

CROTHERS v. MONTEITH.

Liquor License Act, R.S.M., ch. 90, sec. 35—Cancellation of license—Prohibition—Implied authority.

This was an action for an injunction to restrain the License Commissioners from acting upon a petition under sec. 35 of the Liquor License Act, R.S.M., ch. 90, to cancel the plaintiff's license, and the short points decided