

TUCK, J.]

[June 15, 1895.]

EX PARTE COULSON.

*Canada Temperance Act, 1893—Refusal by witness to answer—Commitment—Title of Court.*

In a case under the Canada Temperance Act, Coulson, the steward of the Chatham Club, was summoned as a witness. He refused to answer certain questions on the ground that the answers might incriminate himself, and that evidence might be obtained from him of a sale by him to other parties, an information laid against him, and these parties summoned as witnesses. The Commissioner committed witness (Coulson) to jail for eight days for refusing to answer, and adjourned the Court for a shorter period of time. The real name of the Court is "The Chatham Civil Court," while the proceedings were entitled "The Civil Court of Chatham." A habeas corpus order having been granted on the grounds that the witness was justified in refusing to answer; that the period of commitment of a witness for refusing to answer must be co-extensive with the period of adjournment of the Court; and that the title of the Court being incorrect, the Commissioner had no jurisdiction.

TUCK, J., decided against the applicant on all three grounds.

*Pugsley, Q.C., and Bennett, for applicant.*

*Currey, Q.C., contra.*

EN BANC.]

[April 25.]

FILLIMORE v. CARTWRIGHT.

*Demurrer—Plea—Set off.*

The form of a plea of set off, given in Con. Stat., c. 37, concludes as follows: "which amount the defendant is willing to set off against the plaintiff's claim," and defendant pleaded, according to the form, omitting the words quoted, and without in any way stating the defendant's willingness to set his claim against the plaintiff's. The plaintiff demurred.

*Held*, that the plea was bad.

*Geo. H. Belyea*, supported demurrer.

*C. J. Coster*, contra.

EN BANC.]

[April 25.]

EX PARTE PECK.

*Money belonging to A. deposited with a returning officer under the Dominion Elections Act, for B. a candidate, cannot be attached by a judgment creditor of B.*

This was an application for a certiorari to remove an order of County Court Judge deciding the above, to have the same quashed (see ante vol. 31, p. 677). At the return of the rule nisi the application was refused.

*A. G. Blair, jr.*, showed cause.

*Dunn*, contra.