

Another consideration is that penal statutes must receive a strict construction.

The conviction is quashed with costs to be paid by the prosecutor to the defendant, which costs I fix at \$50.

REX v. CROFT.

The reasons in the *Holowaskawe Case* apply to this case with costs to be paid by the prosecutor to the defendant which costs I fix at \$50.

REX v. CLEARY.

There is a difference in the circumstances of this case from those in the *Holowaskawe Case*. The inciting was done after the strike had started. I confirm the conviction. The costs of the appeal, which I fix at \$50 are to be paid by the defendant to the prosecutor.

HON. MR. JUSTICE MIDDLETON.

APRIL 9TH, 1913.

CLARK v. ROBINET.

4 O. W. N. 1092.

Discovery—Refusal to Answer Questions—Motion to Dismiss Action—Irrelevance.

MIDDLETON, J., refused to dismiss an action for refusal to answer certain questions on discovery, holding that they were irrelevant.

Motion by the defendant to dismiss action by reason of the refusal of the plaintiff to answer certain questions on examination for discovery.

F. D. Davis, for the defendant.

Frank McCarthy, for the plaintiff.

HON. MR. JUSTICE MIDDLETON:—Since the argument I have read the pleadings and examination; and I cannot see that the questions which the plaintiff refused to answer are relevant to any of the issues raised on the pleadings. The motion, therefore, fails, and must be dismissed, with costs to the plaintiff in any event.