

c. 9(D.), and for \$1.40 for "28 fols. evidence at 5 cents" taken on the trial of the complaint. On motion for the prisoner's discharge on the return to a habeas corpus,

Held, that the justice exceeded his jurisdiction in taxing these items against the defendant, which were not only not allowed, but forbidden by s. 770 of the Cr. Code, and in awarding imprisonment until they, with the penalty, were paid, and that the defendant was entitled to be discharged from custody. *Ex parte Bourque*, 31 N.B.R. 509; *R. v. Elliott*, 12 O.R. 524; *R. v. Laird*, N.W.T. Reps. 105, and *Ex parte Myers*, 32 C.L.J. 371, referred to.

Power, K.C., for the prisoner. *Nem. con.*

Lawrence, J.]

[April 8.

REX v. BUBAR.

Canada Temperance Act—Costs of commitment—Habeas corpus.

The defendant was convicted by two justices of the peace for the county of Pictou for a second offence against Part II. of the Canada Temperance Act, and was adjudged to forfeit and pay a penalty of \$100 and costs, and in default of payment distress, and in default of distress, imprisonment, etc., unless the said sums and costs of distress and of conveying to jail were sooner paid. On motion for a habeas corpus,

Held, that as the costs of conveying to jail are distinct from the costs of commitment, the conviction was bad (*Reg. v. Vantassel*, 34 N.S.R. 84), for not including the costs "of commitment" under s. 738(a) of the Code, and that the prisoner should be discharged. *Reg. v. Doherty*, 32 N.S.R., p. 238, per MEAGHER, J., referred to.

Power, K.C., for the motion. *Nem. con.*

Laurence, J.]

[April 8.

THE DOMINION COAL CO., LTD. v. BOUSFIELD ET AL.

Corporation—Striking employees—Interference with workmen—Remedy by injunction.

A large number of workmen in the employ of the plaintiff company stopped work as a means of compelling the company to "recognize" a labour organization known as the "United Mine Workers of America," with which they were connected, and after going out "on strike" concertedly and systematically