

Held, that the application should be granted, and that the case was distinguishable from *Ex parte Wright*, 32 N.B., in that it was not an application by habeas corpus to set aside the decree of the Equity Court.

A. O. Earle, Q.C., for the prisoner. *W. B. Wallace*, contra.

ADMIRALTY DISTRICT.

McLeod, J.] LAHEY v. MAPLE LEAF. [Feb. 28.
Salvage claimed under \$100—Costs—Colonial Courts of Admiralty Act—Admiralty Acts 1891 (54 & 55) and Admiralty rules.

Plaintiffs agreed to accept \$25 for salvage services rendered to the yacht "Maple Leaf" in the harbour of St. John, and being unable to obtain a settlement with the owner, brought an action for salvage, claiming \$100. The value of the yacht was \$400. The defence charged the salvors with misconduct, negligence and unskillfulness, whereby the yacht had been considerably damaged, and contended that under the Wrecks and Salvage Act, c. 81, s. 44, R.S. Can., the claim should have been brought before the Receiver of Wrecks, and that costs should not be allowed to the plaintiffs, and should be certified to the defence. The plaintiffs contended (1) that the Act did not apply where negligence, etc., were charged, citing *The John*, Lash. 13; *The Fenix*, Swa. 13; *The Comte Nesselrood*, 31 L.J., Ad. 77; (2) That Rule 224 of the Admiralty Rules, 1891, contemplated that the action should be brought in the Vice-Admiralty Court; (3) That Rules 132, 133 by leaving costs in the discretion of the Judge had repealed the provisions of c. 81, s. 44, R.S. Can., as to costs, citing *Garnett v. Bradley*; (4) That c. 81, s. 4, 3 App. Cas. 944, R.S. Can., was repealed by the Colonial Courts of Admiralty Act 53, 54 Vict., c. 27, s. 2, ss. 2, citing the *W. J. Aikens*, 4 Exch. Rep. 7. Salvage having been awarded:

Held, that plaintiffs were entitled to costs, c. 81, s. 44, did not apply where the defence disputed that salvage services had been rendered by charging negligence, and only applied where the only question of dispute was as to the amount of salvage that should be allowed.

W. H. Trueman, for the plaintiffs. *J. R. Dunn*, for the owner.

Province of Manitoba.

QUEEN'S BENCH.

Full Court.] KELLY v. WINNIPEG. [Feb. 10.
Municipal law—Ultra vires—Wages of workmen employed by corporation.

Appeal from decision of Bain, J., noted ante. p. 177, dismissed with costs.

Tupper, Q.C., and *Phippen*, for plaintiff. *Ewart*, Q.C., and *J. Campbell*, Q.C., for defendants.