

supplied to defendants' place of business (wholesale), plaintiffs' claim covered two periods of time during which light was supplied under different schedules. The charge for the first period included a charge per K.W. for the energy supplied and a "readiness to serve charge" of ten cents for each socket.

Held (following the *Chambers Electric Co. v. Cantwell*, 6 E.L.R. 529, for the reasons there given), that the charges were recoverable.

As to the second period plaintiffs' schedule included, among other subjects, "wholesale places, banks, offices, etc., using light up to 6 o'clock p.m., and a good deal in the evenings.

Held, that defendants' place of business was clearly embraced in this description.

Also, that it was not relevant that one or two other descriptions in the schedule, which had to do with other subjects, were not very definite.

The schedule contained, at the end of it, provisions for certain options to be given to customers to enable them to come in and make special agreements in lieu of the rates previously fixed.

Held that this was valid in the absence of anything in the statute to prevent a customer from contracting himself out of the first provisions, and that such offers to customers did not in any way invalidate the fixed rates which were to prevail unless one of the options was accepted, and in the absence of anything in the evidence to shew that the rates under the optional provisions were higher than the fixed rates.

Held, also, that where under the schedule consumers were to be entitled to a discount of 10 per cent. "for payment of account within five days" defendant must shew that no account was rendered to be entitled to claim the discount as of right.

Mellish, K.C., in support of appeal. *S. D. McLellan*, contra.

Russell, J.]

REX v. CROWLEY.

[April 4.

Canada Temperance Act—Excessive costs—Habeas corpus.

The defendant was convicted for selling intoxicating liquor contrary to Part. II. of the Canada Temperance Act by a stipendiary magistrate at Pictou, and was adjudged to pay a penalty of \$50 and \$13.45 costs, and in default of payment was imprisoned, etc. Included in these costs were items of 50 cents for "preliminary hearing" and 25 cents for "preliminary evidence" under Cr. Code s. 655 as amended by 8 & 9 Edw. VII.