

Clement, J.]                      LAITNEN v. TYNJALD.                      [June 15.

*Practice—Notary public taking affidavits in Supreme Court—  
R.S.B.C. c. 3—R.S.B.C. 1897, c. 1, s. 10, s.-s. 50.*

A notary public within the Province of British Columbia has not authority to take an affidavit in an action in the Supreme Court.

*McLellan*, for plaintiff. No one contra.

Irving, J.]                      IN RE YING FOY.                      [June 21.

*Mandamus—Adjournment of preliminary examination—Discretion of the magistrate—Limitations of control exercised by Supreme Court.*

Accused was one of sixteen Chinamen charged with the same offence on similar evidence. Fourteen, including accused, were remanded pending decision of the other two as test cases. Upon resumption of proceedings, evidence similar to that on which the two first cases were committed for trial was put in, whereupon a remand of a week was granted to permit the procuring of further evidence. At the end of that time a second remand was granted. Upon application for a mandamus requiring the magistrate forthwith to commit the accused for trial,

*Held*, that a writ of mandamus will not issue directing a magistrate to commit prior to his adjudication of the case. It is the duty of the magistrate to take the evidence of all concerned, and that the court must not interfere with the discretion of the magistrate as to remands when that discretion is being exercised legally and in good faith.

*Aikman*, for the rule. *H. W. R. Moore*, for the magistrate.

### Book Reviews.

*The Measure of damages in actions of maritime collisions.*  
By E. S. ROSCOE, Barrister-at-law, Admiralty Registrar of the High Court of Justice. London: Butterworth & Co., 11-12 Bell Yard. 1909.

The writer gives also notes of cases, an epitome of the law on the above subject in Scotland, France and Germany, by writers in these countries, also some unreported judgments, etc.