

action for damages for breach of charter-party. Judgment at the trial for plaintiff and reference to master to assess damages.

*Held*, that the measure of the plaintiff's damages is the additional sum beyond the contract price which it would have cost the plaintiff to have hired another steamer to take the place of the one he had hired from the defendants for the remainder of the season, he being prevented from using it owing to it not being in a condition to pass inspection; or, if no other steamer could have been hired the loss he sustained by not being able to run the steamship for the full term for which it had been hired; or, in other words, such sum as would have put plaintiff in the same position as he would have been if he had not been prevented from running steamship for the whole of the term for which he had hired it, but had been able to run it during the whole of that term if he had been so minded. Reference back to the master.

*German*, K.C., for plaintiff. *MacGregor Young*, for defendant.

Boyd, C., Magee, J., Latchford, J.]

[April 28.

RE KINRADE INQUEST.

*Coroner's inquest—Summons to witness by coroner—Warrant by coroner to compel attendance on default—Service and execution of summons and warrant outside of his county—Certiorari—Terms.*

The inquest on the body of Ethel Kinrade was held in the city of Hamilton in the county of Wentworth by a coroner appointed for that county. Florence Kinrade, then residing in an adjoining county, was served with a summons or subpoena issued by the coroner to appear at an adjourned sitting. She had been examined at length at two previous sittings. Proof of due service on the witness was furnished. The witness having failed to attend, the coroner issued his warrant for her apprehension and handed it to a constable for execution. Counsel on behalf of the witness then applied to a judge in Chambers for a writ of certiorari to remove the warrant for the purpose of being quashed on the ground that this summons was of no avail outside the county of Wentworth. Notice of the application was directed by the judge to be given to the Attorney-General of Ontario.

On return of the motion. MR. JUSTICE TEETZEL, before whom the motion came, granted the writ, but preserved all objections