

determine a complaint against the return of a member to serve in the Legislative Assembly of Manitoba otherwise than in proceedings under the Manitoba Controverted Elections Act, R.S.M. 1902, c. 34. *Regina v. Prudhomme*, 4 M.R. 259, followed.

The court has power, however, to deal with the defaults and misconduct of election officers and compel them to perform their public duties.

An interim injunction had been issued restraining the defendant, the returning officer, his servants and agents from delivering his return to the clerk of the Executive Council. Defendant had already handed the return to an express company for transmission, and the agent of the company was notified of the injunction, but delivered the return in spite of it.

*Held*, that such agent was liable to be committed, not technically for a breach of the injunction, but for a contempt of court tending to obstruct the course of justice: *Kerr on Injunctions*, 599.

*Hudson*, K.C., and *Coyne*, for plaintiff. *Dennistoun*, K.C., for defendant.

Mathers, C.J.]

[August 1.

RE SCHIRAGGE AND CITY OF WINNIPEG.

*Railway company—Compensation—Land injuriously affected, though not encroached upon by work—Winnipeg charter, 1 & 2 Edw. VII. c. 77, ss. (c) added to s. 708 by s. 15 of 3 & 4 Edw. VI. c. 64.*

Where the statute under which a claim was made for damages to land, caused by the construction of certain works and the closing up of certain streets, provided that any advantage which the real estate might derive from the contemplated works should be deducted from the sum estimated for damage done to the land in arriving at the compensation to be paid, and it was found that the detriment to the claimant's property caused by the closing of the streets was more than offset by the advantage accruing to it from the construction of the works, it was

*Held*, 1. The claimant could not recover anything in respect to such detriment.

2. Even if the detriment to the claimant's land should alone be considered, he is not entitled to compensation by reason only that he is, by the construction of a public work, deprived of a mode of reaching an adjoining district from his land and is obliged to use a substituted route which is less convenient, if the consequent depreciation in the value of his property is general