

Rule discharged for certiorari to remove certificate of County Court Judge on a scrutiny confirming declaration of returning officer.

M. G. Teed, in support of rule. *Harvey Atkinson*, contra.

En Banc.]

*EX PARTE GREEN.

[April 20.

Profanation of Lord's Day—62 Vict., c. 11.

The above Act to prevent the profanation of the Lord's Day, is intra vires the Provincial legislature.

Rule discharged for certiorari to remove conviction for selling cigars on Sunday.

Pugsley, Q.C., and *A. W. Macrae*, in support of rule. *A. S. White*, Q.C., and *Stockton*, Q.C., contra.

En Banc.]

MELLON v. MUNICIPALITY OF KINGS.

[April 20.

Execution for taxes—Direction by Secretary-Treasurer—Municipality liable for false arrest.

The Secretary-Treasurer of the Municipality directed the issue of an execution against the plaintiff for taxes. The latter was arrested thereunder and confined in goal for fifteen days. In an action for false imprisonment the jury found that the plaintiff was not a resident of the county and did not own any real or personal estate within the county, and assessed the damages at \$250.

Held, on motion for a non-suit, that the municipality was liable for the act of the assessors in assessing the plaintiff and of the Secretary-Treasurer in directing the execution. Non-suit refused.

Stockton, Q.C., for plaintiff. *A. S. White*, Q.C., for defendant.

En Banc.]

RUNCIMAN v. STAR LINE STEAMSHIP CO.

[April 21.

Negligence causing death—Action by the father of deceased—Reasonable expectation of pecuniary benefit.

Plaintiff's son while boarding defendant's steamer on the River Saint John fell off the steamer's steps and was drowned. In an action by plaintiff, as administrator, for damages, the jury found that the steamer was started too quickly and that the steamer people were guilty of negligence. The deceased was about twenty-eight years of age and had always made his home with the plaintiff, his father. There was evidence that for several years he paid the plaintiff \$30 per month for board and lodging, but a year or two before his death he established himself in business in which he was assisted by the plaintiff to the amount of three or four hundred dollars, and since which time the plaintiff had received nothing from him. The jury found for plaintiff and assessed the damages at \$3,500.