

New Brunswick.

SUPREME COURT.

McLeod, J.]

QUEEN v. PERRY.

[Dec. 23, 1898.]

Conviction—Bawdy house—Fine—Costs—Cr. Code, ss. 783 (f); 788.

The prisoner was convicted of keeping a house of ill-fame under s. 783 (f) of the Criminal Code, and was condemned under s. 788 to pay a fine of \$100. Upon a motion on the return of a writ of habeas corpus to discharge the prisoner.

Held, following *Reg. v. Cyr*, 12 P.R. 24, that the conviction was bad, as, under s. 788, a fine must not be in the full sum allowed for fine and costs; and also that the conviction should have disclosed that there were no costs.

W. B. Wallace, for the prisoner.

McLeod, J.]

FERGUSON v. HOURIHAN.

[Dec. 30, 1898.]

Criminal information—Constable's fees—Liability of informant—Title of proceedings on review.

A constable cannot recover, in an action of debt against an informant laying a criminal information, expenses incurred in arresting and delivering to gaol persons charged under the information. Proceedings on review were entitled "In a Parish Court Commissioner's Court," and were certified by the "Commissioners of the Parish of Harcourt Civil Court."

Held, that the improper title of the proceedings was not a ground for refusing a review, but rather should be construed as a want of jurisdiction in the party trying the cause, and therefore affording a ground of non-suit.

A. A. Wilson, for the defendant. *J. P. D. Tilley*, for the plaintiff.

Province of Manitoba.

QUEEN'S BENCH.

Full Court.]

DAY v. RUTLEDGE.

[Dec. 23, 1898.]

Security for costs—Retainer of money paid into Court as security pending appeal to the Supreme Court.

The plaintiff, residing out of the jurisdiction, had paid money into Court as security for the defendant's costs of the action; and having succeeded at the trial, and on appeal to the Full Court, now applied for