

Province of New Brunswick.

SUPREME COURT.

En Banc.]

EX PARTE BOUDREAU.

[Feb. 22

Commissioner of sewers—Election—Relationship of poll clerk—Interest and bias.

The court discharged a rule nisi for a quo warranto against D. D. B. to shew by what authority he held the office of commissioner of sewers of Boudreau Marsh.

The grounds upon which the rule nisi was granted were that the election poll clerk was disqualified from acting on the ground of relationship, interest and bias.

W. B. Chandler, K.C., in support of the rule. *J. D. Phinney, K.C.*, contra.

En Banc.]

EX PARTE DUFFY.

[Feb. 22

Information for assault causing bodily harm—Conviction for common assault, after hearing conducted as preliminary examination—Certiorari.

An information was laid charging the applicant with an assault causing actual bodily harm. A warrant having been issued, and the applicant arrested, the magistrate conducted the hearing as a preliminary examination under the provisions of part 45 of the Criminal Code, binding over all the witnesses to give evidence in a superior court, and at the conclusion of the examination of the witnesses for the prosecution addressing the defendant as provided by s. 591. Then after hearing evidence in behalf of the defendant, the magistrate, without objection by the defendant or his counsel, convicted the defendant of a common assault and fined him.

Held, on motion to make absolute a rule nisi for certiorari, that the conviction was bad. Rule absolute.

W. B. Chandler, K.C., in support of rule. *J. D. Phinney, K.C.* contra.

En Banc.]

DIBBLEE v. FRY.

[Feb. 22

Court stenographer—Privilege—Limit bond—Assignment—Holiday.

A court stenographer, confined in the gaol limits, who goes beyond the limits to attend a court as official stenographer, is guilty of a breach of his limit bond in so doing.

Where an action was brought on a limit bond on the same day on which the bond was assigned,