

it may be that a contingent claim might have been made by Meloche; but nothing of that sort has been done, and I have no judgment to give upon it, but I must say that upon the claim as filed, I think the assignee took the only reasonable and legal view of the matter, and the appeal is dismissed with costs.

COUR SUPÉRIEURE.

MONTRÉAL, 30 AVRIL, 1874.

Coram.—MACKAY, J.

Ex parte EUCLIDE ROY.

CERTIORARI.

Ex parte EUCLIDE ROY. This was an action of certiorari of Euclide Roy, who was fined \$100 by the Police Magistrate for assault on a person from Quebec. The fine might by some be regarded as excessive. The assault consisted merely of a blow, while on the other hand the provocation was certainly great. The magistrate had jurisdiction undoubtedly. He proceeded under the criminal law, and in circumstances for which the criminal law provides. He has not exceeded his jurisdiction, but when I look at the adjudication, a doubt arises in my mind. He was not fined in the language of the law. The fine is not ordered to be paid in the very words of the law, but to our Sovereign Lady the Queen. The law directs that the fine shall be paid to the magistrate, or to the Clerk of the Court, etc.: Fines to the Queen, accruing under Dominion Act, go to the Dominion treasury. Where may be nothing in this objection, but I would like to hear the parties on it. On the other points I am against Mr. Roy.
