

regulations are more or less exacting, in proportion to the privileges bestowed, than the provincial legislation, which requires a license fee of \$30.00 from any one not domiciled in Nova Scotia to hunt moose in the province. Nor am I called on to say whether a foreigner actually domiciled here is shut out by these regulations, and therefore in a worse position than a mere visitor, as suggested. It will be time enough to decide that when the occasion requires it.

I find that (1.) The defendants under the amended order in Council of August 1, 1894, were not exempt from the previous regulations requiring permits. (2.) The defendants were not temporarily domiciled in Canada within the meaning of the amended order. (3.) The defendants were guilty of violating the Fisheries Act. (4.) The defendants were properly convicted. The convictions will, therefore, be confirmed and the appeals dismissed with costs.

Province of New Brunswick.

SUPREME COURT.

En Banc.]

[Nov. 8, 1901.]

INGRAHAM *v.* TEMPERANCE AND GENERAL LIFE ASSURANCE CO.

Justice's Civil Court - Affidavit for capias—Failure to shew jurisdiction.

An affidavit for a capias in a Justice's Civil Court does not require to shew the facts necessary to give the court jurisdiction. Failure to state the residence of the plaintiff as directed by the form prescribed will not invalidate.

E. R. Chapman, for appellant. *O. S. Crocket*, contra.

En Banc.]

COLLINS *v.* LANDRY.

[Nov. 8, 1901.]

Trial by proviso—Side-bar rule necessary.

The old practice requiring a side-bar rule to be taken out for trial by proviso still prevails in this province.

C. J. Coster, for plaintiff. *J. D. Phinney*, K.C., for defendant.

En Banc.]

STEEVES *v.* DRYDEN.

[Nov. 15, 1901.]

County Court—Directing jury to answer specified questions of fact—Supreme Court practice applicable.

Sec. 158 of the Supreme Court Act empowering a judge on the trial of a cause to direct the jury to answer any questions of fact stated to them by him is applicable to the County Court.

Jonah and Powell, K.C., for appellant. *Teed*, K.C., contra.