

tion, as I think that the appellant is estopped by his conduct. I have little regret in arriving at this conclusion, as, having run over the bill, it appears to me that fully as much has been allowed as will be taxable if what is sought is permitted.

The other matter argued was a conflict between the Rules and the statute with reference to witness fees taxed. The Rules provide for payment of professional fees of surveyors at \$4 per day; the statute entitles the surveyor to charge \$5. The surveyors were paid the statutory fee, but the allowance between party and party has been in accordance with the tariff. If there is any conflict, the Rules, having statutory effect, must govern, and the taxation must stand.

The appeal will be dismissed, but, under the circumstances, without costs.

MIDDLETON, J., IN CHAMBERS.

DECEMBER 22ND, 1913.

REX v. GAMBLE-ROBINSON FRUIT CO. LIMITED.

Alien Labour—Importation of Manager of Company from United States—Alien Labour Act, R.S.C. 1906 ch. 97—Similar Law in Force in United States—"Contract Labourers"—Offence against Statute—Evidence of Prior Agreement—Motion to Quash Magistrate's Conviction—Costs.

Motion by the defendant company to quash a magistrate's conviction.

H. S. White, for the defendant company.

J. R. Cartwright, K.C., for the magistrate.

C. A. Batson, for the prosecutor.

MIDDLETON, J.:—Motion to quash a conviction made by J. T. Mackay, Police Magistrate at St. Mary's, on the 24th November, 1913, for that the accused did knowingly encourage or solicit the immigration or importation of one Carl J. Sanders, then being an alien, to perform labour or services in Canada for the accused, under a contract or agreement made between the accused and the said Sanders, previous to his becoming a citizen of Canada.

Two questions of importance were argued. A number of minor objections were taken which either have no foundation or are correctible by amendment.

It is argued that, inasmuch as the Alien Labour Act, R.S.C.