

had been committed by defendant, and that the magistrate had jurisdiction over it, should not hold the conviction invalid by reason of the fact of the date and place of the offence not being stated in it, for these clearly appeared from the depositions, and the Court had power under secs. 883 and 889 of the Code to amend the conviction by stating the offence to have been committed at Bradford on 29th July, 1902. On the evidence, it could not be held that defendant was not allowed to make his defence. The objection that the conviction was headed "conviction for a penalty to be levied by distress" was of no weight, for the body of the conviction was correctly drawn under the statute, and the heading is not a part of the conviction. The costs of conveying defendant to gaol were not included; but the conviction might, if necessary, be amended in that respect; as a matter of fact, there were no such costs. There is special power in the section under which defendant was convicted to award imprisonment in default of payment, and by R. S. O. ch. 90, sec. 4, this power covers costs as well as fine. Rule nisi discharged with costs.