

Reg. v. Hartley, 20 Ont. R., 481; *Reg. v. Richardson*, 20 Ont. R., 514; *Reg. v. McCay*, 23 Ont. R., 442.

If any other grounds of objection could have been sustained I think the fourth ground might have been argued with success, but I am of the opinion that this ground is not tenable now in view of s. 889 of the Criminal Code which says that "No conviction or order made by any Justice of the Peace shall, on being removed by certiorari be held invalid for any irregularity, informality or insufficiency therein, provided the Court or Judge before which or whom the question is raised is, upon perusal of the depositions, satisfied that an offence of the nature described in the conviction, order or warrant, has been committed, over which such justice has jurisdiction," etc., etc. This no doubt gives me the right to adjudicate de novo on the evidence given before the magistrate. But I may add that I am of the same opinion as that expressed in *Ex p. Nugent*, 1 Can. Crim. Cases, 126, that the Court should not amend a conviction if in so doing it has to exercise the discretion of the magistrate; also that where the only penalty authorized has been imposed, but with an unauthorized addition the latter may be struck out on amendment after its return under certiorari.

For these reasons this application is refused without costs. Amended conviction affirmed.

My reason for not granting costs is that costs of certiorari proceedings are not usually given where the conviction is amended and affirmed in the amended form: *R. v. Higham*, 7 El. & Bl., 557.

WHERE TO SPEND VACATION DAYS.

The average member of the legal profession, wearied with the ceaseless grind of office work, needs absolute change of surroundings and climate for the full enjoyment of his vacation. These can be found in a cruise on the great Upper Lakes, in the incomparable mountains of British Columbia, in the picturesque region of the Temiskaming or in the wild Laurentians, north of Montreal, and on the Atlantic coast. If the invigorating salt laden breezes of the ocean are sought, there is no more delightful spot where they can be enjoyed than St. Andrews-by-the-Sea in New Brunswick—a charming retreat on Passamaquoddy Bay, which offers those attractions to recreation and health seekers that are possessed by few other places. There is a wealth of scenic beauty about St. Andrews-by-the-Sea, a perfect summer climate that is cool and temperate, excellent sea bathing, capital fishing, and roads in the locality unsurpassed in their smoothness and freedom from dust or mud, leading in many directions to interesting places. The water trips are also numerous, and on the placid Bay, sheltered from the Atlantic's storms and fogs by a long barrier of islands, and up the St. Croix river, boating may be indulged in even by the inexperienced in perfect safety, for here there are no sudden squalls nor heavy seas. Deep sea