attorney before action in compensation, as a tender of amends.

The indorsement of the name, &c., of plaintiff's attorney, and of the plaintiff himself, on the notice of action was, "Edward O'Connor, of Office No. 8, Day's Block, Wyndham Street, in the town of Guelph, in the county of Wellington, attorney for Alexander McDonald, of the township of Blanshard, in the county of Perth."

It was objected for defendant that no action would lie, the conviction not having been quashed, and that the indorsement of the plaintiff's residence on the notice of action was insufficient.

Leave was reserved to defendant to move on these objections; and the jury found a verdict for the plaintiff, and $75.

In Easter Term last, *S. Richards*, Q.C., obtained a rule calling on the plaintiff to shew cause why a nonsuit should not be entered, pursuant to the leave reserved, on the ground that the conviction or order relied upon or proved at the trial had not been quashed before this action brought, and that the notice of action was insufficient.

Anderson shewed cause. The notice of action is sufficient: *Neill* v. *McMillan*, 25 U. C. R. 485. *Haacke* v. *Adamson*, 14 C. P. 201, shews that the alleged conviction or order here not being under seal, it was unnecessary to quash it before action, for it was in point of law no conviction: Consol. Stat. C., ch. 103, sec. 42. But at all events it is not such an order or conviction as it could have been intended should be quashed. In *Graham* v. *McArthur*, 25 U. C. R. 478, it was held that a conviction made by one magistrate, when two only had jurisdiction, must be quashed, although void. But this was a conviction which no magistrate, nor any number of magistrates, had a right to make. Suppose the magistrate had ordered the constable to take the plaintiff out of Court and give him a thrashing; it surely could not be necessary to quash such an order before suing, and this is in effect the same case.

S. Richards, Q C., contra. The order should have been quashed. It is not a case where there is no semblance of jurisdiction. Consol. Stat. U. C., ch 75, secs. 3, 4, 7, 12, give the magistrate summary jurisdiction in matters between master and servant; and though this order may not have been authorized, it was not the extreme case supposed. In *Graham* v. *McArthur* the one magistrate had no jurisdiction whatever in the matter, under any circumstances: *Ramney qui tam* v. *Jones*, 21 U. C. R. 370; *Lindsay* v. *Leigh*, 11 Q. B. 455.

DRAPER, C. J. OF APPEAL, delivered the judgment of the Court.

As to the notice of action, we think this case cannot be distinguished from that of *Neill* v. *McMillan*, 25 U. C. R. 485, cited by Mr. Anderson. We refer also to *Oram* v. *Cole*, 18 C. B. N. S. 1.

Then as to the alleged conviction, it is not under seal, and no application was therefore necessary, according to *Haacke* v. *Adamson*, 14 C. P. 201, to quash it.

The defendant's counsel referred to sec. 12 of Consol. Stat. U. C., ch. 75, as giving authority and jurisdiction. This Act authorizes a justice of the peace, on complaint of any servant or labourer against his employer for non-payment of wages, among other things, to take cognizance of the matter, and on due proof of the complaint to discharge the complainant from the service, and to direct the payment to him of any wages found to be due, not exceeding $40, and to make such order for the payment as to him seems just, with costs; and, in case of non-payment for twenty-one days after such order, to issue a warrant of distress to levy the same.

But it does not appear from the complaint, the order or conviction, or the commitment, that Thompson was either servant or labourer of the plaintiff, nor is the word "wages," or its equivalent, once used in any of these proceedings. The defendant's order, which is relied on as a conviction, refers to the complaint on which it professes to be based in these words: "The information and complaint of James Thompson," who saith "that Alexander McDonald owes him $51 08, and the said James Thompson *belives*" (*sic*) "him to be leaving this part of the country, and not paying or settling the same."

The rule must be discharged.

Rule discharged.

REGINA v. CURRIE.

Perjury—Jurisdiction—32-33 Vic. ch. 23, sec. 8, D—Construction of.

Sec. 8 of 32-32 Vic., ch. 23, sec. 8, D, applies to all cases of perjury, not merely to "Perjuries in Insurance cases," which is the heading under which secs. 4 to 12 are placed in the Act.

Held, therefore, that a magistrate in the County of Halton had jurisdiction to take an information, and to apprehend and bind over a person charged with perjury committed in the County of Wellington.

Held, also, that a recognizance to appear for trial on such charge at the Sessions was wrong, as that Court has no jurisdiction in perjury; but a *certiorari* to remove it was refused, as the time for appearance of the party had gone by.

[31 U. C. R., 582.]

Harrison, Q.C., moved for a *certiorari* directed to W. D. Lyon, Esquire, one of the justices of the peace in and for the County of Halton, and other the justices and keepers of the peace in the said County, and to John Dewar, Esquire, Clerk of the Peace and County Crown Attorney for the same County, for the removal of the information, depositions, commitment, and recognizance, and other papers in the above matter, into this Court; on the ground that the Magistrate had no authority to take the information, or to arrest, and had no jurisdiction whatever, because the alleged perjury complained of appeared to have been committed in the County of Wellington, and not in the County of Halton, where the proceedings were taken; and on the ground that the recognizance was that John Currie should appear at the next Court of General Sessions for the County of Halton, and plead and take his trial for the said offence; and a charge for perjury could not be tried at the Sessions of the Peace.

Ferguson appeared on the notice of motion, and shewed cause for the Magistrate and County Attorney. The Dominion Act, 32-33 Vic., ch. 23, sec. 8, shews that the Magistrate of and in Halton had authority to receive the information and apprehend John Currie, for it is expressly enacted that "any person accused of perjury may be tried, convicted and punished in any district, County or place where he is appre-