

## Province of New Brunswick.

### SUPREME COURT.

Full Court.]

[April 30.]

REX v. WARDEN OF DORCHESTER PENITENTIARY.

*Criminal law—Jurisdiction—Halifax charter.*

Motion referred to the Full Court by HANINGTON, J., for the discharge of the prisoner Seely under a writ of habeas corpus. The prisoner was arrested in the city of Halifax, and convicted in November, A.D. 1903, under Criminal Code, 1892, s. 785, on a summary trial, with his own consent on a plea of "guilty," before the stipendiary magistrate of the city of Halifax, in the county of Halifax, in the province of Nova Scotia, for the offence of burglary committed in the city of Sydney, in the county of Cape Breton, in the province of Nova Scotia. The motion was made on the ground that the territorial jurisdiction of the stipendiary magistrate of the city of Halifax, being limited to the said city, he had no jurisdiction to convict for an offence committed outside of the said city.

*Held*, in view of s. 144 of the Halifax City Charter, and s. 6, c. 33, Rev. Stat. Nova Scotia, 1900, which conferred on stipendiary magistrates all the power, jurisdiction and authority mentioned in the Criminal Code, and as the prisoner could be legally charged or committed for trial by the stipendiary magistrate of the city of Halifax, under ss. 554 and 557 of the Criminal Code of 1892, for the said offence, the conditions required by section 785 were complied with and the conviction and imprisonment thereunder was legal and valid.

*Lionel Hanington* and *O'Hearn* (of Nova Scotia Bar), for the prisoner. *J. Power*, K.C. (of Nova Scotia Bar), for the Attorney-General of Nova Scotia.

## Province of Manitoba.

### COURT OF APPEAL.

Full Court.]

CARBERRY GAS CO. v. HALLETT.

[April 13.]

*Gas Inspection Act—Liability of consumer to pay for gas when no certificate posted up as required by s. 44 and no test made as provided in s. 34—Obligation of company supplying gas in a place for which there is no local inspector.*

Plaintiffs sued for supply of acetylene gas from their works in the town of Carberry. The Department of Inland Revenue