

THE
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NOVEMBER 27TH, 1908.

DIVISIONAL COURT.

REX v. REEDY.

Police Magistrate — Jurisdiction — Appointment — Date of Commission—Date of Order in Council—Police Magistrate for Town—Municipal Council not Elected—Creation of Town by Proclamation—Offence Committed outside of Town—Appointment of Police Magistrate for Part of District where Offence Committed—Police Magistrates Act—Powers of Police Magistrate as ex Officio Justice of the Peace—Liquor License Act—Conviction for Keeping Liquor for Sale without License—Evidence Returned on Certiorari—No Evidence to Justify Conviction—Failure to Connect Evidence with Time and Place of Offence.

Motion to quash the conviction of the defendant made by one R. H. C. Brown, who described himself in the conviction as police magistrate for the town of Cobalt, of an offence against the provisions of the Liquor License Act.

J. B. Mackenzie for defendant.

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

The judgment of the Court (MEREDITH, C.J., MACMAHON, J., TEETZEL, J.), was delivered by

MEREDITH, C.J.:—By the conviction returned it appears that the applicant was convicted before Mr. Brown, as police magistrate in and for the town of Cobalt, in the district of Nipissing, for having on 8th September, 1907, in the town-