

district of St. Hyacinthe. At the end of October, 1911, the store of one Bissonnette at St. Hyacinthe was broken into and articles stolen. The prisoner was arrested on suspicion of being party to the theft and was brought up before a magistrate and committed not for theft, but for receiving, 'recel.' After his committal the prisoner made option for a speedy trial, was found guilty and condemned to three years in the penitentiary. He then made an application for a reserved case and it is this reserved case we have before us. The grounds are two-fold, firstly it is claimed that the identity of the prisoner was not established, and secondly, that the preliminary enquete was not properly conducted according to law.

"We say this second objection comes too late. The prisoner never raised this objection before his plea, nor at any time during his trial. He appeared before the magistrate and pleaded not guilty and stood his trial. Once he made his option and appeared before the magistrate, the magistrate had jurisdiction to hear the case.

"Therefore, we say that all objections on the score of irregularities in the preliminary enquiry must be overruled.

"As to his identity we have no doubts either that it was properly established. The evidence is clear. The conviction is affirmed.

*V. E. Fontaine, K.C., attorney for the prisoner.*

*N. K. Laflamme, K.C., counsel.*

*J. C. Walsh, K.C., attorney for the Crown.*

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