

limits of the jurisdiction of such justice, the latter, in his discretion, may either order the accused to be taken before some justice having jurisdiction in the place where the offence was committed: Crim. Code (1892) s. 557; Crim. Code (1906) s. 665, or may proceed as if it had been committed within his own jurisdiction. S. was brought before the stipendiary magistrate of the City of Halifax charged with having committed burglary in Sydney, C.B.

Held, that the stipendiary magistrate *did*, with the consent of the accused, try him summarily under Crim. Code (1892) s. 785, as amended in 1900, Crim. Code (1906) s. 777.

O'Hearn, for appellant. *J. J. Power*, K.C., for respondent.

Province of Ontario.

HIGH COURT OF JUSTICE.

Teetzel, J.]

REX v. TITCHMARSH.

[Oct. 13.

Summary conviction—Crim. Code, ss. 530, 682, 711—Quashing conviction—No evidence taken down.

The defendant was convicted by three justices for polluting a well on his premises which was also used by other persons. The defendant put in a claim of right; but no evidence whatever was taken down in writing at the hearing of the case before the justices. On application to quash the conviction on a number of grounds,

Held, that as there was no evidence produceable to sustain the conviction, it must be set aside for want of jurisdiction.

Quære. Whether apart from the provisions of the Code the conviction was not for the reason alleged made without jurisdiction.

J. B. MacKenzie, for applicant. No one appeared for the justices or the prosecutor.