

at once and used in both. The information charged a sale on the 1st August, but it was amended by the magistrate to conform to the evidence of a sale on the 31st July. The magistrate imposed a fine of \$250 in each case and imprisonment in default of payment of the fines and costs. The defendant did not pay the fines and costs; the warrant under which he was imprisoned was issued, and he was arrested, but not until the 7th February, 1916.

Many objections to the proceedings were taken by counsel for the defendant, and the learned Judge dealt with them in a written opinion, holding as follows:—

(1) That, as counsel for the defendant before the magistrate did not ask for the adjournment which the magistrate was bound to accord, under sec. 92 of the Act, if the amendment really prejudiced the defendant, he must be taken to have waived the right to an adjournment.

(2) That there was ample evidence to sustain the convictions.

(3) That, as the information, conviction, and warrant stated that the offences were committed at the township of Thurlow, in the county of Hastings, and the conviction upon its face stated the jurisdiction of the magistrate, as above, judicial notice could be taken of the undoubted fact that the township mentioned (see sec. 2 (15) of the Territorial Division Act, R.S.O. 1914 ch. 3) is in the southern part of the county. Aliter in England, where boundaries are determined by ancient usage: *Rex v. Burridge* (1735), 3 P. Wms. 439, 496; *Deybel's Case* (1821), 4 B. & Ald. 243.

(4) That, apart from judicial notice, the magistrate's jurisdiction to convict sufficiently appeared: by sec. 24 of the Police Magistrates' Act, R.S.O. 1914 ch. 88, he was ex officio a Justice for the whole county, and had, under sec. 28, power to do alone whatever was authorised to be done by two or more Justices. The decision of the Court of Appeal in *Rex v. Collins* (May 29, 1901), unreported, had no application.

(5) That jurisdiction to convict gave jurisdiction to commit in default of payment of the fines and costs: sec. 65 of the Liquor License Act; but the magistrate was not justified in stating or estimating, on the face of the warrant, the amount of the costs and charges of conveying the defendant to gaol.

(6) That, as the commitment alleged the conviction of the prisoner, and there was a valid conviction to sustain the commitment, and the punishment imposed was not excessive, the war-