

THE ONTARIO WEEKLY NOTES
HIGH COURT DIVISION

The Ontario Weekly Notes

VOL. XIII. TORONTO, DECEMBER 7, 1917. No. 12

APPELLATE DIVISION.

FIRST DIVISIONAL COURT. NOVEMBER 26TH, 1917.

REX v. WALKER.

*Criminal Law—Summary Conviction—Case Stated by Magistrate
—Forum—Jurisdiction.*

Case stated by Thomas H. Brunton, Esquire, Police Magistrate for the County of York.

The prosecution was for an offence against sec. 242 of the Criminal Code (neglect to provide necessaries for wife or children), which is punishable on summary conviction.

The case came on for hearing before MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

W. A. Henderson, for the defendant.

No one appeared on behalf of the Crown or the prosecutor.

MEREDITH, C.J.O., reading the judgment of the Court, said that the Supreme Court of Ontario, Appellate Division, had no jurisdiction to hear the stated case. A case stated by a magistrate where he summarily convicts is stated for the opinion of "the Court," which means in Ontario the High Court Division of the Supreme Court of Ontario: *Rex v. Henry* (1910), 20 O.L.R. 494.