

taken of money received and expended. He also prays for a sale of the boat and payment of his claim out of the proceeds. The defendants deny all knowledge of the boat as the "Hector," and deny the alleged agreement with Ezra H. Pringle, and allege that the defendant, John L. Weller, is the sole owner. They say the boat is not propelled by steam, has not a whole or fixed deck, is not constructed for voyaging on large bodies of water, but only for coasting, is unregistered, and has never been known by any distinctive name. They contend that the *res* is not a "ship" or "vessel" within the meaning of any Act giving jurisdiction to the court, and that, consequently, the court has no jurisdiction as to ownership or earnings: 26 & 27 Vict. c. 24, s. 10, and the Maritime Court Act of Ontario, were cited for the defendants. They also cite the "Australasia" and *Leprague v. Burrows*, 13 Privy Council cases 132, and the Admiralty Court Act, 1861, s. 8. For the plaintiff it was contended that no vessel under fifteen tons need be registered, and that the court has jurisdiction over unregistered vessels so long as the vessels are ships within the meaning of the Maritime Act: *Ex parte Ferguson*, L. R. 6, Q. B. 280; s. 19, of the Act; and the "Oscar Wild" before SENKLER, J., at St. Catharines; also the Vice-Admiralty Act, s. 10, ss. 9, and the Maritime Court Act of Ontario, s. 14, ss. 3, were referred to.

Held, that the *res* mentioned in the petition is not a registered ship within the meaning of the Vice-Admiralty Courts Act, and, therefore, the jurisdiction of the court does not extend to a vessel of her class. There is, therefore, no jurisdiction to entertain the claim.

Tyler, for petitioner.

Ketchum, for defendants.

SUPREME COURT OF PRINCE EDWARD ISLAND.

QUEEN v. WOODS.

Application for certiorari—Summary Convictions Act—Form of information—Evidence of the substance of the charge—Issue of warrant.

This was an application on behalf of the defendant for a *certiorari* to remove a con-

viction of the stipendiary magistrate of the city of Charlottetown, for a violation of the Canada Temperance Act, into the Supreme Court.

The defendant was arrested on a warrant in the first instance upon the information of D. H., the public prosecutor. The information was in the form prescribed by the Summary Convictions Act, and sworn to.

It was contended on behalf of the defendant, that the Summary Convictions Act requires the matter of the information to be substantiated on oath before a warrant to arrest can issue in the first instance, and that the mere swearing to the information which only contains a just cause to suspect and believe, is not sufficient—but that it requires other evidence, such as a witness swearing to the actual commission of the offence charged, in order to substantiate the matter on oath.

Held, that the information as in form prescribed by the Act, and sworn to by the informant, is sufficient for the issue of a warrant in the first instance, and that the rule for *certiorari* be discharged, with costs against the applicant.

Peter, J., dissenting.

Hodgson, Q.C., for rule.

Davis, Q.C., contra.

Law Students' Department.

The following questions were asked at the English examination for call to the bar preceding Hilary Term, 1888. The answers are taken from the *Bar Examination Journal*. They will give students a good general idea of the kind of examination set for call to the English bar, and also of the style of answers which should be given.

COMMON LAW.

Pass Paper.

Q. 1. Enumerate the principal preliminary matters with regard to which a person conceiving himself to be aggrieved should satisfy himself before safely resorting to the remedy of an action at law.

A.—The principal preliminary matters with regard to which he should satisfy himself before commencing an action relate to—(2) the