

MUNICIPALITY—"REFUSE"—RESTAURANT.

In *Lyons v. London* (1909) 2 K.B. 588 the simple question was, whether the ashes, clinkers, coffee-grounds, egg-shells, dust and general dirt, broken crockery, tea-leaves, parings, scrapings, emanating from premises carried on as a restaurant, came under the category of "house refuse," which under a construction clause in an Act was not to include "trade refuse": "trade refuse" being defined to mean "the refuse of any trade, manufacture or business or of any building materials." "House refuse" being removable without cost by the defendants, they contended that the refuse in question was "trade refuse" for the removal of which the plaintiffs are bound to pay. The Divisional Court (Lord Alverstone, C.J., and Jelf and Sutton, JJ.) came to the conclusion that the refuse was "house refuse," on the ground that refuse of the kind in question was common to all houses, and was distinct from what is ordinarily meant by the refuse of a trade.

JUSTICES—SUMMARY JURISDICTION—SUMMONS—APPEARANCE OF DEFENDANT BY COUNSEL—WARRANT TO COMPEL PERSONAL ATTENDANCE OF DEFENDANT—SUMMARY JURISDICTION ACT, 1848 (11-12 VICT. c. 43)—(CR. CODE, s. 658, s. 660(4)).

The King v. Thompson (1909) 2 K.B. 614. In this case a summons under the Summary Jurisdiction Act, 1848, was issued against the defendant on a charge of having exceeded the speed limit in a motor carriage in which he was travelling. He appeared thereto by counsel. The solicitor for the prosecution stated that he was prepared to three previous convictions against the defendant and had witnesses present who would have been able to identify the defendant as the person convicted on those three occasions had he been in court. The defendant's counsel having refused to undertake that the defendant would personally attend in court for the purpose of identification the justices issued a warrant for the defendant's arrest. The defendant then applied to quash the warrant as having been issued without jurisdiction, and the Divisional Court (Lord Alverstone, C.J., and Jelf and Lawrence, JJ.) held that the justices had no jurisdiction to issue the warrant for the purpose of compelling the defendant's attendance for identification. It seems, however, doubtful whether the case would be applicable under the Cr. Code, see s. 660(4), which expressly provides that the issue of a summons is not to preclude the issue of a warrant before or after the time mentioned in the summons for appearance.