

whether voluntarily or upon summons, or after being apprehended with or without warrant, or while in custody for the same or any other offence, the Justice shall proceed to inquire into the matters charged against such person in the manner hereinafter directed." The Police Magistrate at St. Mary's found the accused before him after being apprehended, as already indicated, or else voluntarily. He should thereupon proceed, and I think it was his duty to do so, to inquire into the matter: *Regina v. Mason*, 29 U.C.R. 43; *Regina v. Burke*, 5 Can. Crim. Cas. 29.

On the accused electing to be tried by him, he could proceed under sec. 707 of the Criminal Code to hear and dispose of the case. The informant had been told of the time and place, when and where and the Police Magistrate before whom the accused was directed to appear. He did not appear then, nor on the morning first fixed for the trial. He was thereupon served with a subpoena to attend the trial on the day finally fixed therefor. He was not present in person, but was represented by counsel attending to object to the magistrate's jurisdiction. He cannot complain that full opportunity to appear and give evidence or assist in securing a conviction, if that were possible, in the circumstances of the case, were not given to him.

I think, under the circumstances, that the Police Magistrate at St. Mary's did what he did rightly, and that this motion must be dismissed with costs.

MIDDLETON, J.

NOVEMBER 2ND, 1912.

CARTWRIGHT v. WHARTON.

Contempt of Court—Motion to Commit—Disobedience to Judgment Restraining Infringement of Copyright—Preparation of New Edition of Book—Errors Common to Book Infringing and Book Infringed—Explanation—Refusal of Motion—Costs.

Motion by the plaintiff for an order committing the defendant for contempt in infringing the injunction granted by TEETZEL, J., at the trial: 3 O.W.N. 499, 25 O.L.R. 357. This injunction restrained the defendant from publication in his law list of any lists derived or copied from the plaintiff's list or from the defendant's own list published in 1911, which, according to the finding of the learned trial Judge, was improperly derived from the plaintiff's list of 1910.