

the other to utter the slander sued on, a claim against two persons jointly, although alleged to be partners, will be struck out as embarrassing.

See Odgers on Libel, 5th ed., p. 601.

*N. F. Hagel*, K.C., for plaintiff. *H. Philipps*, for defendant.

Robson, J.]

ALEXANDER v. SIMPSON.

[March 5.

*Pleadings—Statement of claim—Allegation of conspiracy.*

The mere use of the words "in collusion" in a pleading claiming damages against a defendant for having "in collusion with" his co-defendant defamed the plaintiff is insufficient as a claim for damages for conspiracy.

*N. F. Hagel*, K.C., for plaintiff. *H. Philipps*, for defendants.

Prendergast, J.]

THE KING v. JOHNSON.

[March 6.

*Habeas corpus—Vagrant—Common law and statutory powers—*

*Summary conviction—Depositions in shorthand by unsworn stenographer—Cr. Code (1906), s. 683.*

*Held*, 1. As regards summary convictions the jurisdiction to review commitments thereunder on habeas corpus is not limited to the statutory powers founded on Imperial statute 31 Car. II. c. 2, and the writ may be supported also upon the jurisdiction at common law.

*R. v. McEwen*, 13 Can. Cr. Cas. 346, 17 Man. R. 477, distinguished.

2. The regularity of a summary conviction for a vagrancy offence (Cr. Code 1906, s. 238) is properly enquired into upon habeas corpus when the proceedings before the magistrate are brought up upon a writ of certiorari in aid of the habeas corpus writ.

*The King v. Pepper*, 15 Can. Cr. Cas. 314 and *The King v. Leschinski*, 17 Can. Cr. Cas. 199, specially referred to.

3. The omission to swear the stenographer appointed to take down the evidence at the hearing of a prosecution under the summary conviction clauses of the Criminal Code (1906), as required by Code s. 683, is a matter of jurisdiction and not a mere defect of form, and the depositions taken by the unsworn stenographer are invalid.

4. It is a good ground for quashing a summary conviction