

the cost of opening up and maintaining the original road allowance, and there was nothing to refer to arbitration.

Application dismissed with costs.

LATCHFORD, J., IN CHAMBERS.

MARCH 11TH, 1916.

*REX v. GAGE.

Liquor License Act—Conviction for Selling and Keeping Intoxicating Liquor for Sale without a License — Evidence — Amendment—Adjournment — Waiver — Imprisonment in Default of Payment of Fine and Costs—Warrant of Commitment—Habeas Corpus — Jurisdiction of Magistrate—Police Magistrate for City and Southern Part of County—Judicial Notice—Territorial Division Act, R.S.O. 1914 ch. 3, sec. 2 (15)—Police Magistrates' Act, R.S.O. 1914 ch. 88, secs. 24, 28—Jurisdiction to Commit—Sec. 65 of Liquor License Act — Charges for Conveying to Gaol — Statement in Warrant—Irregularity — Amendment — Criminal Code, secs. 1121, 1124—Ontario Summary Convictions Act, R.S.O. 1914 ch. 90, sec. 4—Liquor License Act, sec. 94—Power to Amend—Alleged Illegality of Arrest—Objection to Detention.

Motion on the return of a writ of habeas corpus for the discharge of the defendant from the common gaol of the county of Hastings.

J. B. Mackenzie, for the prisoner.

J. R. Cartwright, K.C., for the Crown.

LATCHFORD, J., said that the defendant was imprisoned under a warrant issued on the 10th August, 1914, by Stewart Masson, who described himself as "Police Magistrate in and for the City of Belleville and one of His Majesty's Justices of the Peace in and for the County of Hastings" and as "Police Magistrate for the southern part of the County of Hastings." The defendant was convicted by this magistrate, on the same day, for two breaches of the Liquor License Act, R.S.O. 1914 ch. 215—selling liquor without a license on the 31st July, 1914, and keeping liquor for sale without a license on the 1st August, 1914. The defendant was not present, but was represented by counsel, who, on the defendant's behalf, pleaded "not guilty" to each charge. It was agreed that the evidence should be taken in both cases