

Mr. Cartwright relies upon *Regina v. McGregor*, 26 O. R. 115, for the Court reading the evidence in connection with the information and as referring to the time and place mentioned in it. But the case does not support that contention. The question in *Regina v. McGregor* was as to the jurisdiction of the magistrate. It was contended that there was nothing upon the face of the proceedings to shew that the offence of which the defendant was convicted was committed within the district of Nipissing. It appeared by the papers returned that this minute preceded the depositions returned: "Sep. 6. Magistrate's Court at North Bay, 3 this p. m. Mrs. McGregor appeared charged with unlawfully selling liquor at her house in the township of Dunnett on the 10th August, 1894. The charge having been read over to her, she pleaded not guilty." The Court in delivering judgment said: "It may well be that the charge read over to the defendant was the charge as stated in the warrant under which she had been apprehended and, if that be so, it was to that charge that the evidence was directed, and the description of the place where the offence was committed is shewn to be in the township of Dunnett, which we know judicially to be within the district of Nipissing; and sufficient, therefore, appears to enable us to say that, upon a perusal of the depositions, we are satisfied that an offence of the nature described in the conviction was committed over which the justice had jurisdiction, and that without in any way questioning the correctness of the decision in *Regina v. Young*, already referred to."

The case does not disclose what the evidence was or what the depositions returned shewed; but I apprehend that, upon looking at the papers, it will be found that they were not as bald as the depositions here, and that the only vice, if vice there was in them, was that the evidence did not in terms point to the place where the act charged was done as being in the township of Dunnett, and therefore within the jurisdiction of the magistrate.

We do not think that this case applies, and, while it is very probable that in this case everybody understood what the evidence was directed to, and that the objection is most technical in its character, in the sense that it is a means of escaping from the penalty for an offence which was actually committed, and but for the carelessness of the magistrate the conviction would probably have been sufficient to en-