

based on the following demand for possession, which was served on the tenant on March 9, 1904:

Halifax, N.S., March 9, 1903.

Lawrence D. Murrans, Esq.,
Gottingen Street, City,

Dear Sir,—

Your lease to the premises, No. 94 Gottingen St., Halifax, N.S., expired on March 1st last. You are hereby notified to deliver up said premises to me forthwith.

Yours truly, J. E. MYERS.

The tenant had held under a lease by deed, dated in 1901 for a term of three years, but owing to erasures and alterations in the indenture there was some doubt as to whether or not the tenancy terminated on March 1, 1904, or May 1, 1904. Before service of the above demand the landlord had on the 1st February, 1904, given to the tenant a three months' notice in writing to quit (not called for by the lease) on May 1, 1904. On the hearing it was contended that no evidence had been given that the tenant had refused after the service on March 9th, 1904, of the above demand in writing to go out of possession.

Held, that the written demand for possession was bad for uncertainty and under all the circumstances, following *Re Magann v. Bonner*, 28 O.R. 37 and *Re Snure v. Davis*, 4 O.L.R., 82, as the case was not one clearly coming within the true intent and meaning of the Act, the application should be refused.

O. Mullin and *W. S. Gray*, for landlord. *John J. Power*, for tenant.

Province of New Brunswick.

SUPREME COURT.

En Banc.]

EX PARTE VANCINI

[Feb. 5.]

*Jurisdiction of police and stipendiary magistrates in cities and towns—
Made effective by Provincial Act of 1889.*

The Legislature of New Brunswick, in 1889 passed the following Act with reference to the jurisdiction of police and stipendiary magistrates in criminal cases: "Each and every stipendiary or police magistrate is hereby created, declared and constituted a court, and is hereby declared to have always heretofore been constituted a court, with all the powers and jurisdictions which any Act of the Parliament of Canada has conferred or may confer, or which any Act of the Parliament of Canada purports to confer upon any stipendiary or police magistrate within the province." In 1900, s. 785 of the Criminal Code, which empowers or purports to empower any police or stipendiary magistrate in Ontario to try, with the consent of the accused, any person charged in the province of Ontario with any offence "for which he may be tried at a Court of General Sessions of the Peace," by adding thereto the following sub-section: "This section