

and cones were bought with the machines for a lump price as integral parts thereof, and these appliances of one machine could not be used to operate another unless it was of the same size and description.

The mortgagor, Perkins, before he made a second chattel mortgage to defendants covering these machines, had made a mortgage to plaintiffs, and in view of my findings as above set out, of the fastenings of the machines, and of the mortgagor's intention, that they should form part of the premises, they must be regarded as part of the realty and so covered by plaintiffs' mortgage. See *Dickson v. Hunter*, 29 Gr. 73, and other cases on the same line.

There will be judgment for the plaintiffs in terms of the prayer of the statement of claim (with reference as to damages), as to all the goods except the following (here his Lordship enumerates a quantity of those tools not in question in the action) with full costs of suit.

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MCMAHON, J.]

[August 24.

REGINA v. MURRAY.

*Criminal law—Procedure—Commitment for trial—Dies non juridicus—Subsequent trial—Validity—Court of Record—Habeas corpus.*

The prisoner was on a statutory holiday committed for trial by a magistrate upon a charge of attempting to steal from the person, and on being brought before the County Court Judge, in compliance with s. 766 of the Criminal Code, 1892, consented to be tried by the judge without a jury, and, being so tried, was convicted and sentenced to a term of imprisonment.

*Held*, upon the return to a writ of habeas corpus, that the fact that the prisoner was committed for trial and confined in gaol on a warrant that was a nullity, could not affect the validity of the trial before the Judge under the Speedy Trials Act.

*D. O'Connell*, for the prisoner.

*A. M. Dymond*, for the Crown.

(Upon appeal the Court of Appeal held that the County Court Judge's Criminal Court being a Court of record, its proceedings were not reviewable upon habeas corpus, but only upon writ of error.)

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MEREDITH, C.J.]

[Sept. 13.

IN RE JONES v. JULIAN.

*Prohibition—Division Court—Jurisdiction—Trial by jury—Questions submitted—Verdict entered thereon by Judge.*

Motion by the defendant for prohibition to the third Division Court in the County of Essex, on the ground that the Judge presiding therein, wrongfully and without jurisdiction, deprived the defendant of his right to a trial by jury, of all the questions arising in the action, and of his right to a general verdict at the hands of the jury.