

should be delivered to the vendors within ten days from the date of the agreement, and all objections not made within that time should be considered to be waived, and in that respect time was made of the essence of the agreement. The defendant made no investigation of the title and submitted no objections or requisitions, but continued in possession and made payments of principal and interest under the agreement until 1912. The land was not conveyed to him. In 1912, he learned that the registered title did not shew any conveyance to his vendors; and he thereupon discontinued his payments.

The learned Judge said that the defendant had chosen to disregard the provisions of the agreement which were intended to afford him the protection of a right to put an end to the contract if he had raised objections which the vendors were unable or unwilling to remove. There was no obligation on the vendors to furnish an abstract or do more than await notice of any objection by the purchaser; and several years had been allowed to elapse, during which, on the defendant's own evidence, the title was ripening through length of possession as against possible claimants not under disability. If the objection—that no conveyance to his vendors was registered—was one going to the root of the title, the defendant's delay might not deprive him of the right to the consideration which he asked.

The conclusion reached in *Blachford v. Kirkpatrick* (1842), 6 Beav. 232, rested largely on the fact that the objection in that case went to the root of the title. *Armstrong v. Nason* (1895), 25 S.C.R. 263, could be safely relied upon as an authority here, the present objection not going to the root of the title.

Judgment for the plaintiffs for specific performance, with costs.

BOYD, C., IN CHAMBERS.

APRIL 25TH, 1916.

*REX v. DARROCH.

Criminal Law—Keeping “House of Ill-fame”—Summary Trial and Conviction by Police Magistrate—Jurisdiction without Consent—Criminal Code, R.S.C. 1906 ch. 146, sec. 774—Change in Wording by Amending Act 8 & 9 Edw. VII. ch. 9—“Disorderly House”—Power to Amend Conviction—Criminal Code, secs. 791, 852, 1124—“Prior Known Decision”—Judicature Act, R.S.O. 1914 ch. 56, sec. 32.

Motion on behalf of the defendant for an order quashing her