

DIARY FOR MARCH.

1. Thur... St. David.
4. Sun.... 3rd Sunday in Lent.
5. Mon.... Holt, C.J., died, 1710, *nt.* 65.
6. Tues.... Court of Appeal sits. Gen. Ses. and C. C. sittings for trials in York. York changed to Toronto, 1834.
11. Sun.... 4th Sunday in Lent.
13. Tues.... Lord Mansfield born, 1704.
17. Sat.... St. Patrick's day.
18. Sun.... 5th Sunday in Lent. Arch. McLean, 8th C.J. of Q.B., 1862. Princess Louise born, 1848.
19. Mon.... P. M. Vankoughnet, 2nd Chancellor, 1862.
25. Sun.... 6th Sunday in Lent.
28. Wed.... Lord Romilly appointed M.R., 1851.
30. Fri.... Good Friday. B.N.A. Act assented to, 1867. Reformation in England began, 1534.

Reports.

[Reported for the CANADA LAW JOURNAL.]

Re HARRIS.

Quieting Titles—Advertisement—Posting at wrong Court House—Irregularity, waiver of—R. S. O. c. 113, ss. 45-46, Chy. O. 504.

Where the advertisement in a Quieting Title proceeding was posted at the Court House nearest the land in question, instead of at the Court House "of the county where the land lies," as required by Chy. O. 504.

Held, that the irregularity might, under R. S. O. 1887. c. 113, ss. 45-46, be waived.

[Boyd, C.—Feb. 25.]

This was a proceeding under the Quieting Titles Act, in which the Referee of Titles at Toronto had given the usual direction for posting a copy of the advertisement at the court house, as required by Chy. O. 504. By mistake of the petitioner's solicitor the advertisement was posted at the court house of Dufferin, which was nearest to the land in question, instead of the court house of Peel, in which county the land was situate.

Upon the matter being submitted to the Chancellor by the Referee, he directed the objection to the regularity of the publication of the advertisement to be waived, having regard to the provisions of R. S. O. c. 113, ss. 45-46.

Elgin Myers, petitioner's solicitor.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.HIGH COURT OF JUSTICE FOR
ONTARIO.

Queen's Bench Division.

Full Court.]

[Feb. 6.]

REGINA v. BEEMER.

Criminal law—Quashing conviction—Forum—O. J. Act—Canada Temperance Act—Police magistrate—Adjudication outside of territorial jurisdiction—41 Vict. c. 4, s. 9 (O.).

The jurisdiction to quash convictions was, at the time of the passing of the Ontario Judicature Act, in the Courts of Queen's Bench and Common Pleas respectively, and was exercised and exercisable by them respectively sitting in term; the Courts or Divisions of the High Court of Justice, mentioned in ss. 3 of s. 3 of the Act, can respectively exercise all the jurisdiction of the High Court of Justice in the name of the High Court of Justice; the sittings of these respective courts or divisions are analogous to and represent the sittings of the former courts of common law in term, and it is to the sittings of these courts or divisions that applications to quash convictions must now be made, having regard to the provisions of s. 87 and rule 484 of the O. J. Act, and of R. S. C. c. 174, s. 2, ss. 1, and s. 270. These courts or divisions are not to be confounded with the Divisional Courts, which are a distinct organization under the Judicature Act, and invested thereby with special functions. Sec. 28 of the Act, upon which the supposition that a single judge sitting in court had jurisdiction to quash a conviction was founded, refers to civil actions and proceedings only.

And where a single judge sitting in court heard and determined a motion to quash a conviction, an appeal to the judges of the Queen's Bench Division refusing to quash such conviction, was treated as a substantive motion to quash the conviction.