

The learned Judge said that he should have had little trouble with the application were it not for the decision of Kelly, J., in *Re Thompson and Beer* (1919), ante 4, where the circumstances were precisely similar, and it was held that the purchaser was entitled to which he asked in the present case.

In an earlier case, apparently unreported, Middleton, J., said, he had arrived at precisely the opposite conclusion. In his view, the Registry Act protects the registered owner against all unregistered equities, and in fact gives to the owner an absolute title unless he has, before registration of the instrument under which he claims, actual notice of the adverse right. Constructive notice is not enough to defeat the title of the registered owner: *Rose v. Peterkin* (1885), 13 Can. S.C.R. 677; *Tolton v. Canadian Pacific R.W. Co.* (1891), 22 O.R. 204.

A different conclusion might have been reached by Kelly, J., had *London and Canadian Loan and Agency Co. v. Duggan*, [1893] A.C. 506, been cited to him, and had his attention been drawn to the effect of the Registry Act.

In these circumstances, the proper disposition of the motion was to enlarge the application to be heard by a Divisional Court: *Judicature Act*, sec. 32 (3). It was better to adopt this course than to follow the decision in *Re Thompson and Beer* and leave the parties to appeal, because it is said that the mere fact that a Judge entertains an opinion adverse to a title is sufficient to render it so doubtful that it should not be forced upon a purchaser. The question was one of great practical importance, because, after the lapse of time, it was here impossible to obtain any information as to the facts surrounding the transaction.

*Motion adjourned to be heard by a Divisional Court.*

MASTEN, J., IN CHAMBERS.

NOVEMBER 22ND, 1919.

REX v. SOLOVARI.

REX v. FERRONI.

REX v. SCARRONI.

*Canada Temperance Act—Magistrates' Convictions for Having Intoxicating Liquor in Possession or Bringing it into County of Peel—Absence of Evidence to Support Convictions—Order Quashing Convictions.*

MOTION to quash the convictions of the three defendants, by two Justices of the County of Peel, for offences in respect of