PRACTICE.

Rose, J.] [Sept. 3, 1884.

Regina v. Riley.

Magistrate — City and county — Jurisdiction — R. S. O. c. 72, s. 6.

R. S. O. c. 72, s. 6, does not limit the territorial jurisdiction of county magistrates, but prohibits them from acting "in any case for any town or city"; the limitation is as to the cases, not as to place, and is only partial, *i.e.*, for a city where there is a police magistrate, and then only when not requested by such police magistrate to act, or when he is not absent through illness or otherwise; and therefore in any case arising in a county, outside of a city, a county justice having jurisdiction to adjudicate while sitting in the county, may adjudicate while sitting in the city.

Owing to changes in the statute law, the decisions in *Regina* v. *Row*, 14 C. P. 307, and *Hunt* v. *McArthur*, 24 U. C. R. 254, are no longer applicable.

J. G. Scott, Q.C., for the Crown.

V. MacKenzie, Q.C., for the prisoner.

Court of Appeal.] [May 11.

Langdon v. Robertson.

Leave to appeal—Time.

Where leave of the Court is necessary for an appeal, application therefor should be made within three months from the judgment to be appealed from; but in a case where, although leave to appeal was necessary, none was obtained, and the appellant gave notice and filed his appeal bond, which was allowed without objection by the respondent,

Held, that such an equity was raised in the appellant's favour by the respondent's not objecting to the allowance of the security, as entitled him to relief after the three months. The rule laid down in *Sievewright* v. *Leys*, 9 P. R. 200, is the rule that should be acted upon in regard to extension of time.

Upon an interlocutory application the Court will not hear more than one counsel for any party.

J. L. Murphy, for the appellant.

Mackelcan, Q.C., for the respondent.

C. P. Div. Ct.] [May 18.

Waghorn v. Hawkins.

Order made at trial, how signed—Divisions of High Court.

Where an action in the Queen's Bench or Common Pleas Division of the High Court of Justice is, under Rule 590, set down for trial at a sittings for trial of actions in the Chancery Division, any order made in such action by the Judge presiding at such sittings should be signed by the officer who acts as Registrar at such sittings, and not by the Registrar of the Division to which the action belongs.

J. M. Clark, for the plaintiff.

Q. B. Div. Ct.] [May 19.

Regina v. Hall.

Canada Temperance Act—Conviction—Adjournment to consider of judgment—32 & 33 Vict c. 31, s. 46—Evidence—Certiorari.

The decision of Boyd, C., *ante* p. 193, was affirmed on appeal.

Walter Read, for the appeal.

Aylesworth, contra.

FLOTSAM AND JETSAM.

The London *Law Times*, referring to the second reading in the House of Lords of Lord Bramwell's bill to enable prisoners, and the husbands and wives of prisoners, to give evidence on their trial, says:—"We wish the measure all success, for although it will no doubt work unfavourably to criminals as a class, we feel convinced that it will be a boon to innocent persons, and aid materially in unravelling mysteries in which innocent persons are charged with crime. The fifth clause of the bill, to which Lord Esher objects, provides that a prisoner shall not be cross-examined as to any previous convictions. But we fail to appreciate Lord Esher's objection. Evidence from the dock under any circumstances would always be received by a jury with reserve, but the admission by a prisoner of a previous conviction would in nine cases out of ten ruin his chance of acquittal, and completely defeat the object of the act. A prisoner, although innocent of the immediate crime charged against him, would hesitate to give evidence, however important his evidence to his case might be, if he knew that he ran the risk of having to admit a previous conviction."—*Ex.*