

reach of his solicitor at the time and it was suggested that sec. 19 of the present Act, 10 Edw. VII. ch. 69, might be applied. This, however, is confined in its terms to secs. 17 and 18 and while it was held in *Crerar v. C. P. R.*, 5 O. L. R. 383, that the necessary affidavit might be made by the solicitor as agent (as might well have been done in this case), it would be judicial legislation to say that no affidavit was necessary. The nature of the procedure under this Act was considered in *Canada Sand Lime Co. v. Ottawa*, 10 O. W. R. 686, 788, and *Canada Sand Lime Co. v. Poole*, 10 O. W. R. 1041.

The statement of claim must be set aside and the certificate of lien and *lis pendens* vacated with costs. Happily in this case there is no danger of plaintiff failing to recover anything he may be found entitled to from the defendants in another proceeding.

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HON. MR. JUSTICE LENNOX.

JUNE 2ND, 1913.

REX v. STAIR.

4 O. W. N. 1402.

*Forum—Weekly Court—Criminal Law—Jurisdiction.*

Motion by defendant for an order that the trial of this case be had before the Court of General Sessions.

T. H. Lennox, K.C., for defendant.

R. H. Greer, for Crown.

HON. MR. JUSTICE LENNOX:—Sitting in Weekly Court, I have no jurisdiction in criminal cases. I therefore make no order.