ever, been held that sec. 111, which prohibits a *certiorari*, does not take away the right of proceeding by way of *certiorari* where there is a total want of jurisdiction, and one of our main objects in now writing is to call renewed attention to a decision of Mr. Justice Armour of some years back, which we believe attracted considerable attention at the time, but has unfortunately up to the present never been reported.

Sec. 111 enacts that "No conviction, judgment or order, in any such case, shall be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of Record." Without dealing with the various decisions in the books as to the meaning of "in any such case" in this section, we would point out that *Reg.* v. *Alexander*, which we believe has never been impeached (and of which, by the courtesy of the officials of the Queen's Bench Division, we are able to give a full report in this issue), shows that the right of *certiorari* is not taken away where there has been a total want of jurisdiction in the convicting magistrate, owing to the second part of the Act never having been legally and validly brought into force. We believe that at the time the opinion of eminent counsel was taken as to whether an appeal from this decision would be likely to succeed, but that was emphatically in favour of the soundness of the judgment. We may also call attention to the subsequent decision in the Supreme Court of New Brunswick in *ex parte Hackett*, 21 New Bruns. 513, where it was held that the right of *certiorari* under sec. 111, is not taken away where there is an excess or want of jurisdiction, and hence the recognition of *certiorari* in sec. 118 is not inconsistent with the prohibitory words of sec. 111. It might have been thought, indeed, and would appear to have been urged before Mr. Justice Armour, that after the Governor-General-in-Council had proclaimed the Act in force, it would be too late to move to quash a conviction under it, on the ground that it had not been brought into force. *The Queen* v. *Alexander* shows the contrary.

At the commencement of this article we alluded to the recent special case before the supreme Court. Sec. 6 of the Canada Temperance Act, 1878, provides that the notice required by sec. 5 to be sent to the Secretary of State of the desire of the signers that the votes of the electors be taken for or against the adoption of the petition must be deposited in the office of the Sheriff or Registrar of deeds of or in the County for public examination, and evidence of such deposit sent to the Secretary of State, with the notice prescribed in sec. 5. In the case of the County of Perth, the notice was deposited with the Registrar of the North Riding only. Thereupon a petition was sent to the government praying that under these circumstances, no proclamation under sec. 7, *seq.*, should be issued by the Governor-General-in-Council. The Governor-General-in-Council thereupon referred the following special case to the Supreme Court:—

> There are two Registrars of deeds for the County of Perth, in the Province of Ontario; one for the North Riding, with an office at Stratford, and one for the South Riding with an office at St. Mary's. With a notice and petition for bringing the second part of 'The Canada Temperance Act, 1878,' into force in the said County, there was laid before the Secretary of State evidence that such notice and petition was deposited, for the purpose and time required, in the office of the Registrar of deeds for the North Riding of the said County.
>
> Is that a compliance, in that respect, with the requirements of the sixth section of the said Act?

The case was argued on October 28th last. Hon. R. W. Scott, Q.C., appeared on behalf of the supporters of the proceedings that had taken in reference to the Act in the county, and Mr. C. Robinson, Q.C., for the objectors. The following note of what took place, and of the judgment of