MISCELLANEOUS DUTIES.

The duties of a general character not appearing to fall aptly under any of the foregoing heads, are found all over the statute book, and embrace a variety of subjects, *e. g.*, making orders allowing married women to convey their real estate when the husband does not join in the deed. The examination and approval of the securities of several officers connected with the administration of justice, declaration of officers as to fees, the auditing accounts connected with criminal justice; under the Registry Act, in respect to plans, compelling witnesses to prove deeds, and taking proof where a witness is dead or out of the Province; respecting the enforcement of estreats, and respecting debtors in gaol, allowance for support of insane, binding minors, &c.

No analysis has been made of the duties of the County Judge under Mr. Attorney General Mowat's very valuable Act of last session, as it does not come into force till the 1st day of January, but it may be mentioned, merely, that under "the Administration of Justice Act of 1873," enlarged Equity powers are granted to the Judges of the County Courts, and in certain cases a summary jurisdiction is given to them to enquire into, and set aside conveyances of land fraudulently made by judgment debtors, and to order such land to be sold to satisfy the executions against it.

In the foregoing, no attempt is made to exhaust the subject under each head, nor is anything more designed than to present in brief outline, the several duties of, and made incident to, the office of County Judge in Ontario. It is submitted that what is set down is sufficient to shew that there is no exaggeration in the statement that the County Judge is used by the Legislature as a jurisprudential servant of all work, a most convenient functionary on whom to impose duties requiring knowledge, impartiality, and discretion for their due discharge in the locality, that additional duties are every year imposed upon him, while the confidence so largely shown finds no expression in added remuneration for additional work imposed on the local Judge.

SELECTIONS.

THE LAW RESPECTING BAIL.

The practice at present prevailing of taking or requiring bail by prisoners on remand for trial is one that requires reform. Instances occur almost daily in which there is a manifest difference in the amount of security required as bail, when the offence and the circumstances are the same. This necessarily causes dissatisfaction with this branch of the administration of justice.

By the ancient common law all crimes, felonies, and misdemeanors were bailable. This was altered by the Statute of Westminster, 6 Edw. 1, c. 9. It would appear that before that time sheriffs and bailiffs, who then acted as our justices of the peace, had been in the habit of letting out prisoners charged with grave offences on bail; but by this Act they were inhibited from doing so in treason, murder, and all cases of aggravated felony; they were still allowed to admit to bail "such as be indicted of larceny," that is, indicted before the sheriffs and bailiffs, or in cases of light suspicion or petty larceny that amounted not above the value of 12d. The Statute further provided that the sheriff should take sufficient security, or be otherwise answerable himself, and ends with these remarkable words: "And if any withhold prisoners replishable after that they have offered sufficient security, he shall pay a grievous amerciament to the king; and if he take any reward for the deliverance of such, he shall pay double to the prisoner, and also shall be in the great mercy of the king." There was a distinction between a prisoner mainprizable and bailable. The statutes affecting the former are 27 Edw. 1, St. 1, and 3 & 4 Edw. 3 c. 2. The justices mentioned in these Acts were justices of assize, not justices of the peace. The "bones gentz et loialx en chescun countee a garder la pees" were not then assigned; the sheriffs and bailiffs acted as magis-