

taken on a preliminary investigation in a criminal matter. The appeal here was an entirely new proceeding, and the prosecutor had to begin *de novo*: Dickenson, 643, 644.

The appeal was governed by the Statute of Ontario, not by the Summary Conviction Act of Canada, 32, 33 Vic. cap. 31, for the subject of it was not a crime under sec. 1, and it was in relation to a matter wholly within the jurisdiction of the Provincial Legislature: B. N. A. Act, sec. 92, sub-sec. 9.

GALT, J. (having consulted HAGARTY, C. J., C. P.)—There is no doubt that the whole of the proceedings of the Sessions were entirely irregular; but I see a difficulty in granting a prohibition. How is the appeal to be disposed of? If we could grant a conditional prohibition until the next Sessions we might relieve the appellant, but it cannot be disputed that there was jurisdiction to *entertain the appeal*. Are then the facts, that a jury was sworn to try the appeal, and that improper evidence was received, reason for granting a writ of prohibition? I think not. The judge might accept the verdict of the jury, and make it the judgment of the court. I do not think that the other ground taken by the summons, that the Sessions proceeded without evidence, can be put higher than the admission of improper evidence, and this is no ground for a prohibition.

The summons must be discharged, but under the circumstances without costs.

*Summons discharged without costs.*

## REVIEWS.

THE CANADIAN MONTHLY AND NATIONAL REVIEW. Adam Stevenson & Co., Toronto. Nos. 1 and 2. (Price \$3 00 per annum.)

So many attempts to establish a periodical in this country which should be a vehicle for the development of English literature in Canada have resulted in failure, that every fresh attempt is regarded with some misgiving. Inasmuch, however, as Confederation has opened a wider field, both as a market and a source of supply, and as every year increases that field and adds to its fertility, we may hope that the effort now made will be attended with happier results.

Typographically, the new magazine is a credit to this country, and especially to Toronto, where the business of publication seems to be largely established. Nor do the contents of the first two numbers belie the neat, plain, yet attractive exterior. Sufficiently solid, without being heavy, they are like a well-baked home-made loaf, sustaining, yet easy of digestion. Variety prevails; but, thank the conductor, *no sensationalism*. May they ever avoid that rock on which so much of our

periodical literature is wrecked, and rendered useless for everything but mischief!

To get at the best part of these numbers we must begin at the end, where the "Book Reviews" are to be found. The critique in the February number upon Mr. Freeman's historical essay is very interesting, and that upon Longfellow's "Divine Tragedy" is a gem, which even the warmest admirer of Mr. Longfellow cannot fail to appreciate, even if they are forced to the conclusion that for once he has made a mistake. *Query*.—Could not a nicer phrase than this be hit upon? Surely "Book Reviews" is not such English as so great a master of the language as we fancy we discover working here would undertake to defend. It smacks too much of that modern style which regards adjectives and substantives as possessing a difference without a distinction.

The magazine is not to be made altogether non-political except in a party sense; and here the Editors are probably right, for otherwise the publication would be deprived of a subject without which its professed character of a national work would be practically negatived. Nevertheless, to treat of such subjects in a judicious way so as to hit the happy mean of instruction, without "raising the dander" of either Grits or Tories, will be no easy task. The article upon "The Recent Struggle in the Parliament of Ontario" is very good, and comes within the rule that no party politics are to be discussed. The paper upon the Census of 1871 is full of suggestions of great value. And, in connection with this article, we are reminded that we have received a pamphlet published by Mr. J. C. Taché, controverting some of the views advanced by Mr. Harvey, and, perhaps, in some instances successfully. Mr. Taché says, correctly enough, that "the rate of increase of one period, in a young country yet undergoing the process of colonization and traversed by migratory currents, is no criterion whatever of the rate of increase of the next period. The population of Upper Canada was 465,357 in 1841 (end of that year), as ascertained by the census of that year; it was 952,004 in 1851 (end of the year); and 1,396,091 in 1861 (end of 1860), showing a total increase of 104 per cent. for one decenniad, and 46,000 for the period next following. But as the second period was made, in reality, only of nine years, the correct statement is to say that the annual increase was at the rate of