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THE recent case of *O'Hara* v. *Dougherty*, 25 O.R. 347, which was one for malicious prosecution, turns on the question whether the acquittal of the plaintiff on a charge of misdemeanour can be proved by the production of the original record signed by the judge of the County Court under the Speedy Trials Act (R.S.C., c. 175). The Divisional Court of the Chancery Division held that it could. We do not propose discussing the merits of the decision, about which, however, something might be said on the ground of public policy; but there is an observation at the close of the judgment of Meredith, J., in which he refers to C.S.U.C., c. 110, and remarks that it was repealed by 32 & 33 Vict., c. 36, and does not appear to have been re-enacted, concerning which we wish to say a word or two. C.S.U.C., c. 110, enabled a prisoner to obtain a copy of the indictment, and expressly provided that the copy so obtained should not be receivable in evidence in any action for malicious prosecution. It is true that this statute was purported to be repealed by 32 & 33 Vict., c. 36 (D.), and with the exception of the proviso above referred to its provisions were substantially re-enacted by 32 & 33 Vict., c. 29 (D.), and still appear in the Criminal Code as s. 654. A doubt has suggested itself to us, however, whether the proviso of C.S.U.C., c. 110, is not still the law of this Province, notwithstanding the supposed repeal, because the Dominion Parliament do not appear to have any jurisdiction to deal with the matter of that proviso, it being a question of procedure in a civil suit, and therefore, it seems to us, could not repeal it. C.S.U.C., c. 110, seems never to have been repealed by the Ontario Legislature. At any rate, the omission of the proviso from s. 654 of the Code is perfectly explicable on the ground we have suggested, and we do not see any reason