cannot be determined but by a new award or execution." Does not the making of the transaction matter of record necessitate a disclosure of it to the party it concerns? Hale's "Pleas of the Crown" exhibits a kindred case, that of a reprieve granted to a woman on the suggestion of pregnancy. This, with the occurrence of insanity, are the two conditions which, either seen to exist, or coming to pass after sentence, require, ex necessitate legis, its extension. The learned jurist remarks, "This reprieve is, or ought to be, matter of record, and, therefore, I have always taken it that, although she is delivered before the next sessions, yet the sheriff ought not to make execution after her delivery; neither ought the judge to give such direction upon the reprieve granted, but at the next sessions the woman must again be called to shew what she can say why execution should not be made, and she is to be heard." Besides, the rule established by the decision of Holt, C.J., in *Duke's case*, 1 Salkeld, 400, that "judgment cannot be given against a man in his absence for corporal punishment" stands in the way, unless the statute has dispensed with the formality. Sec. 660 of the Code assumes, no doubt, to regulate this matter of the presence of a felon during his trial. Sub-s. 1 reads: "Every accused person shall be entitled to be present in court during the whole of his trial, unless he misconducts himself by so interrupting the proceedings as to render their continuance in his presence impracticable." Sub-s. 2: "The court may permit the accused to be out of court during the whole or any part of any trial on such terms as it thinks proper." This, even if the expression "trial" can be supposed to include sentence, which to say the least, is doubtful, could not furnish authority for exclusion by the court of a prisoner, not seeking it, arbitrarily, or ex mero motu. One hundred and fifty years later the principle embodied in *Duke's case* was re-affirmed by a particularly strong court (Campbell, C.J., Patteson, J., and Earle, J.) in *Rex* v. *Chichester*, 17 Q.B., 504—that, in turn being—no further back than 1870—approved by a trio as eminent, (Cockburn, C.J., Blackburn, J., and Hannen, J.) in *Reg.* v. *Williams*, 18 W.R. 806. The last utterances were formulated, notwithstanding the circumstances that non-appearance in both matters was deliberate, one prisoner having gone to sea, and the other having departed for America. The doctrine nullus commodum