

Bail may be taken or prisoner committed.

the Court before which the case trial was had, in its discretion, shall commit the person convicted to prison, or shall take a recognizance of bail with one or two sufficient sureties, and in such sum as the Court shall think fit, conditioned to appear at such time or times as the Court shall direct, and receive judgment or render himself in execution, as the case may be.

Case to be stated by the Court reserving the question.

Court of Q. B. to give the proper judgment or make the proper order in the case.

XXIII. The said Court shall thereupon state, in a case to be signed by the Judge or Judges, Recorder, Inspector and Superintendent of Police, or Chairman holding or presiding such Court, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen; and shall forthwith transmit the same to the Clerk of Appeals at the place where appeals from the District in which the conviction was had, are to be heard; and the said Court of Queen's Bench shall have full power and authority at any sitting thereof on the Appeal side, after the receipt of such case, to hear and finally determine every question therein, and thereupon to reverse, amend or affirm any judgment which shall have been given on the indictment or inquisition on the trial whereof such question arose, or to avoid such judgment, and to order an entry to be made on the record, that in the judgment of the said Court of Queen's Bench the party convicted ought not to have been convicted, or to arrest the judgment, or to order judgment to be given thereon at some other Criminal Term of the said Court, or Session of Oyer and Terminer, or Quarter Sessions, if no judgment shall before that time have been given, as the said Court of Queen's Bench shall be advised, or to make such other order as justice may require.

Judgment of Q. B. to be certified to the Court from which the case is sent: and proceedings thereon.

XXIV. The judgment or order, if any, of the Court of Queen's Bench in such case as aforesaid, shall be certified under the hand of the Chief Justice or one of the Judges concurring therein, to the Clerk of the Court from which the same was sent, who shall enter it on the original record in proper form, and a certificate of such entry under the hand of such Clerk, in the form, or as near as may be to the effect of the Schedule B, to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by such Clerk to the Sheriff or Gaoler in whose custody the person convicted shall be, and such certificate shall be a sufficient warrant to such Sheriff or Gaoler and all other persons, for the execution of the judgment as the same shall have been so certified to him to have been affirmed or amended, (and execution shall thereupon be done on such judgment), or for the discharge of the person convicted from further imprisonment if the judgment be reversed, avoided or arrested; and in that case such Sheriff or Gaoler shall forthwith discharge him, and at the next sitting of the Court from which the case was sent, the recognizance of bail, if any, shall be vacated; and if the Court from which the case was sent shall be directed by the Court of

Queen's