

satisfactory, and not only dispel suspicion, but disprove guilt. These cases now go no further, but according to the proposed Bill, they must be sent for trial, involving a great deal of expense to the country as well as to the individual charged. The more serious crimes are rarely disposed of by a magistrate on preliminary enquiry, if there is any evidence at all against the prisoner. There may be an injustice done in some exceptional cases by magistrates undertaking to try the question of guilt, and it looks as if this sweeping amendment is introduced by reason of a somewhat noted case, which occurred not long ago in the eastern part of this province. Most people think that in the case in question, the magistrate was right, as the evidence then stood, but it is absurd to pass a general law because some isolated case of supposed wrong has been done. Even under the old law, where witnesses were tendered who knew something of the circumstances, and the magistrate refused to hear them, the judges of the Superior Courts, on more than one occasion, expressed themselves very strongly against the action of the magistrate, and if I recollect rightly, there is a case in which a late Chief Justice directed the evidence to be taken. It was always looked upon as a monstrous thing that the magistrate could or would not hear a single word of explanation on behalf of the accused when such explanation would be satisfactory both to the Crown and to the magistrate. Otherwise, the justice was bound to commit, and, in default of bail, the accused went to prison. In such instances, grand juries generally ignored the bills, and in very many cases of true bills, the presiding judge directed a verdict of not guilty. This was entirely due to the then state of the practice, although the law would appear, even before the Code, to have been the other way. Take a very common case. A man charges another with stealing. He says the accused got the money, kept it, and refused to repay it, and he denies any indebtedness to the accused. On this there would be a committal. Put the accused in the witness box. He proves an agreement, or shows by his books or otherwise, a series of dealings or transactions with the prosecutor by which the whole element of crime is eliminated, and yet under the supposed wisdom of the present amendment, the accused would be sent to gaol to await his trial at some future court. Take also, for instance, the case of a merchant who is arrested for fraudulently disposing of goods. Without hearing him and his witnesses, the