for the last ten years comprising only five or six hundred pages. The Judges themselves properly take exception wherever a case does not come within the jurisdiction of the act, and will not hear the questions, but questions of *law* occurring in any trial and conviction. See *Reg.* v. *Clark*, L. Rep. 1 (Cn. cases reserved) 54 *Reg.* v. *Will*, ib. 378, *Reg.* v. *Jenkins*, ib. 186, but in *Reg.* v. *Stubbs*, (Cn. cases reserved, 1 Jurist, N. S. 1115, it was there distinctly held that under the Act of Parliament, the Court cannot entertain questions of mere practice as to whether a case was properly left to the jury upon the unconfirmed testimony of an accomplice, though PARKER, B., WILLIS, J., and other Judges were against the sufficiency of the evidence which produced the conviction, and did not approve of the way the case was put to the jury; yet not being strictly a question of law they would not interfere. See also, as to jurisdiction, *Reg.* v. *Mellor*, 4 Jurist, N. S. 214. According to those authorities all the objections taken in this case were in the mere discretion of the Judge, and governed by the practice of the Court concerning evidence, and did not come within the act at all, but the judgment of the Supreme Court in effect deprives the Judge of Assizes and jail delivery of all discretionary power, and of finally deciding questions of practice concerning evidence, and otherwise, and virtually overthrows the jurisdiction of that Court altogether. Now, the appeal allowed by the discretion of the trial Judge under our Rev. Stat. virtually copied from the English Act, is not like an application to the discretion of the Court above for a new trial, but upon *some specific question of law*, unmixed with discretion or practice; otherwise the appellate Court by law has no jurisdiction and no consent can give it, nor has a Judge on trial any right to reserve questions which the appellate Court has no jurisdiction to entertain. I should like to be informed which one of the objections, taken by the prisoner's counsel, came within the jurisdiction of the Supreme Court according to the power referred to. The objections were all of matters either immaterial, discretionary or pertaining to the mere practice of the Court in which they arose, and from the earliest of time to the present we have no train of such questions ever having been entertained in the Criminal Courts of appeal in England; for instance, compare the numerous objections which, it appears by His Honor Judge WELDON'S judgment, he undertook to decide. Where is anything like it to be found in the English authorities that govern us? There is none to be found! Where is anything to be found like the five objections upon which the majority of the Court quashed the conviction? None; but the cases of *Reg.* v. *Stubbs*, 4 Jurist, N. S. 1115, and the other late cases above cited, fully establish the contrary, and maintain the Court of Assizes, Oyer and Terminer and jail delivery, undisturbed in its ancient