are intended. Fortunately the Queen's Bench Division declined to make the Act nugatory, and held that the retailer was the seller of the poison under the Act, and that he must be duly qualified, and his name and address appear on the packet. This decision will meet with general approval."

EX PARTE W. BULMER.

We deem it expedient in reporting this case to remind our readers of the *Blossom and Clayton* case, which excited considerable interest at the time it was pending. Those parties and others were tried in the Queen's Bench (C. Mondelet, J.) for conspiracy to kidnap. The Court having charged for a conviction, the jury deliberated for three days, when they were unable to agree, and were dismissed. Defendants were tried a second time by another jury; but this time, after nine days' deliberation, the jury again disagreed, and were discharged. The Court then made the following order:—

"The Court in consequence of the non-"agreement of the jury to a verdict, discharges "them, and it is hereby adjudged and ordered "that the four prisoners be remanded to the "common gaol of this district.

"And whereas, from the positive evidence "adduced in this trial the said prisoners are "not entitled to be bailed, it is adjudged and "ordered that *they do stand committed to the "gaol of this district, without bail or mainprize*, "to stand their trial at the next term of this "Court, and *not to be discharged* without further "orders from this Court."

Notwithstanding this order, Blossom and Clayton petitioned for the issue of a writ of *habeas corpus* to be bailed. They first applied to Mr. Assistant-Justice Monk, in Chambers, but without success, 10 L. C. J. 30. The matter was subsequently submitted, again in Chambers, to Mr. Justice Badgley, who granted the application, Ib. 35. The gaoler, however, being unable for want of possession of the writ, to bring up before the Judge the petitioners in order that bail might be given, the application was once more renewed, before the Court of Queen's Bench sitting in Appeal. The Court were divided in opinion. Mr. Justice Aylwin, and Mr. Justice Mondelet, the Judge who had held the Crown side, were against the petitioners. The Chief Justice (Duval), Mr. Justice (now Chief Justice) Meredith, and Mr. Justice Drummond formed the majority. Blossom and Clayton were liberated on bail, Ib. 46.

As the order was given without any application whatever having been made to the Court, it was considered even by Mr. Assistant-Justice Monk not to be a judgment of the Court. It adjudicated upon nothing; it decided nothing; it disposed of nothing judicially. In this respect a material discrepancy appears to arise between the two cases. But W. Bulmer's motion was merely verbal; it was not written and filed of record. There was consequently nothing upon which a Court of Record could render judgment, and, indeed, the adjudication does not bear the sacramental words, "It is finally determined," which are essential to the judgment of a Court proceeding, as the Crown side of the Queen's Bench does, according to the course of the common law. The adjudication has not even "It is adjudged and ordered;" but the first part of the conclusion, "until otherwise ordered," plainly shows that what precedes, and also the rest as being its conclusion, is an order,—and the last part, "by this Court," leaving, as we shall demonstrate, the adjudication—(for an order is necessarily an adjudication), open to alteration by the other side of the Court, is evidence that it is nothing more than an order.

The present instance thus affording like the other simply an order, we may observe that the words in italics in the latter are not to be found in the former. It seems, nevertheless, that they are in strictness implied in the words "to be there detained," which, together with the following words, are, in so far as the real merits of the question might require, equivalent in law and in good sense to the corresponding part of the order in the *Blossom and Clayton* case And though the two cases differ in fact from each other, inasmuch as these parties prayed only for their freedom on bail, whereas W. Bulmer asked his entire and unconditional liberation, yet the generality of the principles embodied in the decision of that case embraces the bearings of this one.

Mr. Justice Meredith easily removed from the way of the Court in Appeal the objection that the order tended to restrain the action of all the Judges. He said:—". . . The order impugned, ". . . as I read it, in effect provides for the bail-"ing of the prisoner by this Court—the con-