before a judge or justice is dead, or so ill as not to be able to travel, or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused, and that he, his counsel or solicitor had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the Judge or Justice before whom the same purports to have been taken, or duly certified by a shorthand reporter acting as such at the investigation or previous trial, it shall be read as evidence on any trial of the accused person thereafter on the same charge, without further proof thereof, unless it is proved that such deposition was not in fact signed by the judge or justice purporting to have signed the same or certified by the reporter as aforesaid.

The matter being of considerable public importance, we have asked a few leading counsel of experience in such matters to express their views both as to the policy of some such change and as to the best way of effecting the object if desirable and shall hope to hear from them.

A POINT OF PRACTICE.

We think it may almost be regarded as an axiom that one method of practice is generally just as good as another, and that it is far better, as a rule, to put up with an imperfect rule of practice than to have an uncertain one. We are led to these reflections by the fact that, although the reported cases decide that where an appellant pays money into Court to abide the result of an appeal to the Court of Appeal, and his appeal is successful, and according to the judgment of the Appellate Court he is entitled to the money so paid in, then the Court should order it to be paid to him, and cannot properly retain it in Court to abide the result of a further appeal by the unsuccessful respondent, except upon the terms of the latter, giving security for any damages which the opposite party may sustain by its further detention.

This practice seems reasonable, and is founded on one decision of the House of Lords, viz., *Castrique* v. *Imrie*, Q. R. 4 H. L. 414; at least two decisions of the English Court of Appeal: *Atherton* v. *B. N. A. Co.*, L. R., 5 Chy. 720; *Hammill* v. *Lilly*, 19 Q. B. D. 83; one decision of the former Court of Chancery for Ontario, upon a re-hearing in *Lindsay* v. *Hurd*, 3 Chy. Ch. 16, besides decisions of the late Chancellor Spragge, in *Billington* v. *Provincial Ins. Co.*, 9