

familiar with the depositions taken by ordinary justices of the peace in places outside of Toronto, he would be surprised, in the first place, to find that many of these men were ever appointed magistrates, and secondly, that the evidence as taken by some of them should be allowed to be read in any court, although in some cases I have found the depositions fully and carefully taken down. I venture to say there is no police court managed so successfully, and justice administered more thoroughly and impartially than in Toronto, and in this commendation, I include the Police Magistrate, the City Crown Attorney, and the officers of the court. But the great defect is the method of taking down the evidence, which is simply farcical. This must be the case, considering the immense volume of business which these gentlemen have to do every day of the week. But for the statutory requirement, and so far as practical results are concerned, the evidence heard by a magistrate need not be taken down at all. If taken down for the purposes of the Assizes or Sessions, then it ought to be taken down correctly, and the only way it can be so taken, would be by shorthand, which is sometimes done in serious cases. However, I need not discuss this, as the objections I made in a former issue have yet to be answered, before any further comment is necessary, and I instance the leading magistrate's court in the Province only to illustrate the truth of what is urged herein on this point.

Section 5 of the Bill, repealing s. 593 of the Code, is retrogressive, and smacks of the spirit of the Star Chamber. Why should not every person who knows anything of the facts be called, if necessary, by the magistrate? Is it to be part of our Canadian law that a man shall be committed for trial on a distorted or partial version of the facts, or on a concealment of part of the truth? It is as much the duty of the Crown to put forward all the material facts bearing upon the case, as it is to adduce those only which show guilt. In addition to this, everyone knows that since the amendment allowing the accused to produce witnesses before the magistrate on a preliminary investigation, the Courts have been relieved from the hearing of a number of trumpery cases which were largely the result of spite or misapprehension, and so readily explained before the magistrate that they went no further.

In the great bulk of cases of a commercial character under the Criminal Code, explanations before the magistrate are generally