

to the Grand Jury, against C. C., late of the Township of _____, in the County aforesaid, yeoman, for the wilful murder of H.H. late of the Township of _____, in the said County of _____; and in case the said bill of indictment be found by the Grand Jury "a true bill," then if they, the said T. D., R. B. and F. L., do severally appear and give evidence to the Jury that shall pass on the trial of the said C.C., upon the said indictment: and in case the said bill of indictment shall be returned by the Grand Jury aforesaid "not found," then if they the said T.D., R. B. and F. L., do severally appear at the said general Gaol Delivery, and then and there give evidence to the Jury that shall pass on the trial of the said C.C., upon an Inquisition taken before me, A.B., one of Her Majesty's Coroners for the said County, on the view of the body of the said H.H., and not depart the Court without leave, then this recognizance to be void, otherwise to remain in full force.

Taken and acknowledged this _____ day of _____ A.D. 18—, before me.

A. B.,
Coroner.

Where Married Woman bound over.—If a married woman is bound over to give evidence, and her husband not present to enter into a recognizance for her, she is not bound in a penalty, but "on pain of imprisonment," thus:—

"A. D. the wife of T. D. of the Township of _____, in the County of _____, yeoman, acknowledges herself to be bound to our Sovereign Lady the Queen on pain of imprisonment, in case she shall make default in the following condition."

The condition of this recognizance is such that the said A. D., the wife of the said T.D., do and shall personally appear at the next general Gaol Delivery, &c., [same as Form above given, only using the singular number throughout.]

When Husband and Wife.—If the husband and wife are both present, the Coroner binds them over in one recognizance—the husband in a penalty, and the wife "on pain of imprisonment:"—

Recognizance by Husband and Wife.

County of _____ } He it remembered that T.D. of the Town-
To wit: } ship of _____, in the County of _____, yeoman, and A. D., his wife, severally acknowledged themselves to be bound by recognizance to our Sovereign Lady the Queen, as follows, that is to say,—the said T.D. in the sum of Two Hundred Pounds of lawful money of the Province of Canada, to be loved on his goods and chattels, lands and tenements, and the said A.D., his wife, on pain of imprisonment in case default shall be made in the condition following:—

The condition of this recognizance is such, that if the said A.D., the wife of the said T. D., do and shall personally appear at the next general Gaol Delivery, &c., [nearly same as general Form.]

This form will answer, also, where the witness is under age and the father becomes surety, and where the master is surety for the appearance of the apprentice who is under age.

CLOSING THE PROCEEDINGS.

The Inquisition being drawn up and signed, the witnesses bound over to appear at the next ensuing Court of Oyer and Terminer, and the party charged committed to gaol, the Coroner's duties in relation

to the Inquest are at an end, and he directs the Constable to make proclamation as follows:—

"You good men of this Township who have been empannelled and sworn of the Jury to enquire for our Sovereign Lady the Queen, touching the death of H.H., and who have returned your verdict, may depart hence and take your ease.—God Save the Queen."

As directed by the 4 & 5 Vic., ch. 24, sec. 4, the Coroner shall certify and subscribe the evidence and recognizances, and also the Inquisition, and deliver the same to the proper officer of the Court, but the course usually pursued is to forward them to the Clerk of the Peace; and when ulterior proceedings are to be taken, they are handed over by that officer to the Crown Counsel at the opening of the Assizes.

CERTIFYING WHEN REQUIRED.

When the Coroner has committed the party charged with the offence to gaol, and it is sought to bail him out, he is liable, at any time before trial, to be called upon to furnish certified copies of the information, examination, evidence, inquisition, and warrant of commitment. By the 5th section of the 4 & 5 Vic., chap. 24, it is enacted that:—

V.—When and so often as any person shall be committed for trial by any Justice or Justices, or Coroner, as aforesaid, it shall and may be lawful for such prisoner, his counsel, attorney, or agent, to notify the said committing Justice or Justices, or Coroner, that he will so soon as counsel can be heard, move Her Majesty's Court of Superior Jurisdiction for that part of the Province in which such person stands committed, or one of the Judges thereof, for an order to the Justices of the Peace, or Coroner for the District where such prisoner shall be confined, to admit such prisoner to bail, whereupon it shall be the duty of such committing Justice or Justices, or Coroner, with all convenient expedition, to transmit to the office of the Clerk of the Crown, close under the Hand and Seal of one of them, a certified copy of all informations, examinations, and other evidences, touching the offence wherewith such prisoner shall be charged, together with a copy of the warrant of commitment and inquest, if any such there be, and that the packet containing the same shall be handed to the person applying therefor, in order to such transmission, and it shall be certified on the outside thereof to contain the information touching the case in question.

(TO BE CONTINUED.)

U. C. REPORTS.

GENERAL LAW.

FRANCIS V. BROWN ET AL.

Attaching creditor in Division Court—Rights of, as against other creditors.
Goods in the hands of a Division Court clerk under an attachment, are not protected against an execution issuing from a superior court before the attaching creditor has obtained his judgment.

The sheriff, therefore, is justified in seizing such goods; but, *quære*, if the seizure were illegal, whether an action on the case would lie as the suit of the attaching creditor against the sheriff and the plaintiff in the execution.

[11 U. C. Q. B. Rep. 658.]

This was admitted to be an action of a novel nature, for which no authority could be found.

The plaintiff, on the 21st of October, had sued out an attachment against one Hutton, an absconding debtor from