the effect of the temperate but clear and decided manner in which the objections to the statute have been pointed out." Those interested in the subject will there find it much better and more clearly discussed than we could do it, and to this judgment we refer them for further information.

The fact of this statute remaining so long unrepealed may probably be attributed to the infrequency of its use, but this is no argument for its longer continuance; and to conclude in the words of the present Chief Justice, "In any point of view the enactment is at variance with the rights of self-government possessed by the North American Provinces, and I sincerely hope may be repealed."

PRACTICE OF BAILING BY JUDGES IN CRIMINAL CASES.

On page 165 of Vol. 7 of the *Law Journal* will be found an article on the law and practice of bail in criminal cases, to which we refer our readers in connection with *The Queen* v. *Chamberlain et al.*, published in another place in the present number. The writer of that article suggested as allowable the practice which has been sanctioned by Mr. Justice Wilson, in the case named, that is to say, to have the depositions certified by the County attorney; and expressed his belief that the better course in all cases would be (as suggested in that article) to obtain copies from that officer, rather than from the committing justice. We subjoin an extract therefrom on this point.

The writer, after mentioning that the procedure is not traced out in the particular enactment, goes on to say—"but enough may be collected from the several enactments bearing on the subject, to show the proper practice in such cases. Suppose, then, a practitioner instructed to apply to the county judge for an order to bail a party committed for a crime. The first step will be to procure certified copies of the examinations and papers upon which the judge is to act. If the party charged be actually in gaol, it may be assumed that the papers are filed with the County attorney; for section 39 of the Consolidated Act, before referred to (Con. Stat. C. ch. 102), and section 9 of the Local Crown Attorney's Act (c. 106, U. C.), require the depositions and papers to be 'delivered to the County attorney without delay,' and so in respect to coroners, by section 62 of the first named act. The words 'without delay' must be taken to mean without unreasonable delay, and in practice the papers are usually sent by the next mail, or are at once sent in an enclosed packet by the constable intrusted with the execution of the warrant of commitment, to be by him delivered to the County crown attorney, when he lodges his prisoner in gaol. But if on inquiry it is found that the committing magistrate has not transmitted the papers to the County attorney, that officer would doubtless call upon the magistrate at once to forward them; and that without prejudice to any proceeding that would lie against the magistrate for default in not obeying the requirements of the statute. In some cases it may save time to apply directly to the committing justices; but, unless in very urgent cases, it is better to obtain the certificate from the County crown attorney—for unless every thing is in form the papers may require to be again sent to the committing magistrate for correction, and, in any case, notice will probably be required to be given to the County attorney."

As remarked by Mr. Justice Wilson, it would be impossible for the committing magistrate, after he has complied with the law in transmitting the papers to the County attorney, to certify in the manner required by the act; and, "in favor of liberty," the learned judge made the order to bail on the depositions transmitted and certified by the County attorney.

But after all, the 63rd section of the Consolidated Statutes of Canada only provided an additional mode of verifying the depositions, &c., on the application to a judge to bail, and the judge might, we take it, act upon any proof which satisfies him, under the extensive powers given by the 54th section of the same act; and the official certificate of a County attorney is at least as reliable as the like certificate from a justice of the peace.

There are, however, two provisions bearing on this question which do not appear to have been mentioned by counsel in the case of *The Queen* v. *Chamberlain* Section 5 of ch. 80, Con. Stat. Can. provides that "in every case in which the original record could be received in evidence, a copy of any official or public document in this province, purporting to be certified under the hand of the proper officer or