

\$2,500. Something like one-half of this might be saved if they were supplied only to those who really want them, and this saving might be applied, perhaps, in lessening the amount of fees payable by country practitioners, or in giving the Ontario statutes free of charge, or in some other way that might suggest itself. A saving would bring joy to the Finance Committee of the Law Society; but an increase to the surplus magnifies a danger of which they have received due notice.

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*A PHASE OF CRIMINAL EVIDENCE.*

We think it would be well to draw attention to the desirability of some amendment in the law as to evidence of deceased or absent witnesses on the trial of criminal cases.

It is provided by sec. 687 of the Criminal Code that depositions taken by a Justice in a preliminary investigation may, in case of the death, illness or absence of the witness, be read as evidence on the trial of the case. This section, however, does not seem to apply to the case of a new trial. As our readers are aware, the Code provides (sec. 747.) that the Court may order a new trial under certain circumstances, and also empowers the Minister of Justice (sec. 748) to do the same, (as was recently done in the *Sternaman* case.) The recent case of *Reg. v. Hammond* might be referred to as shewing the awkward consequences that might have arisen if an important witness had died after the first trial, without some provision that his evidence given at the first trial could be read on a subsequent trial. As will be remembered, the jury disagreed at the first trial, and, after the second trial, the prisoner being convicted, the Court on a reserved case, ordered a new trial, and on the third trial the prisoner was again convicted. It might also, we think, be possible to put sec. 687 into a little better shape, as well as overcome the difficulty which has been spoken of.

By way of amendment and to bring the matter up for discussion, we would suggest the repeal of sec. 687, and in lieu thereof, provide something to the following effect :—

If upon the trial of an accused person such facts are proved upon the oath or affirmation of any credible witness that it can be reasonably inferred therefrom that any person whose deposition has been taken in the investigation or previous trial of any charge