

The Canada Law Journal.

VOL. XXIV.

JUNE 16, 1888.

NO. 11.

ACCORDING to our usual custom, there will be no semi-monthly number issued during the months of July, August and September. There is a growing desire to make long vacation as real as possible, and a very sensible thing it is to do so.

THE new Governor-General of Canada, Lord Stanley, of Preston, was formally sworn into office by Chief Justice Ritchie, of the Supreme Court of Canada, at Ottawa, on the 11th inst. An address was presented to the Governor-General by the mayor and corporation of the city of Ottawa. The occasion was an unusually brilliant one. We hope that the sojourn of Lord Stanley in Canada will be a thoroughly enjoyable one for His Excellency, and that the people of this country will look back, after his departure, with as pleasant recollections of his administration as they have of the administration of any of his predecessors.

DURING the past year we referred to an anomaly in the law with regard to bail where a grand jury had found a true bill for felony, and the Crown refused to proceed at the sittings of oyer and terminer at which the true bill had been found. No judge in such a case can grant bail without the consent of the Crown on the ground that he cannot know on what evidence the grand jury have found their bill; whilst, in cases of committal for trial by magistrates, a judge can grant bail, because he can, from the evidence taken by the magistrates on the preliminary investigation, decide whether the prisoner should be admitted to bail. Several learned judges expressed their regret at this state of the law; among them the late Chief Justice Moss, the present Chief Justice of the Common Pleas, Sir Thomas Galt, the late Mr. Justice O'Connor, and to-day, Judge McDougall has to express his regret that in extradition cases, where he would be inclined to accept bail, he is obliged to doubt if he has jurisdiction to do so. The Extradition Acts in force say, in effect, that the proceedings in cases shall be assimilated as far as possible to cases under Criminal Procedure Acts. Under those Acts the judge being only an extradition judge, and his only duty being to decide whether a *prima facie* case (should the alleged offence have been committed in Canada), has been made out and not to weigh evidence. The power to rectify these leaks in criminal law rests with the Dominion Parliament, and we call the attention of the Department of Justice to the fact that amendments could be made in the interests of justice, which have been overlooked in the recent revising of the Statutes of Canada.