

OF HABEAS CORPUS.—When a judge releases a prisoner it should be on an order, with or without bail at the Court's discretion, to submit to such judgment as might be rendered by the Queen's Bench, as in the foregoing provision, or the judge should reserve the application for the judgment of that Court, without order of enlargement, if he see no reason to grant such order. This is to be confined to persons detained under the intended Act, and them only. Thus, uniformity of decisions on points of law will be fully secured, and the interests alike of accuser and accused be secured from hasty or arbitrary action by methods not wholly strange and novel in our jurisprudence.

TO FURTHER EXPEDITE JUSTICE,—I would propose that sergeants-at-law should be appointed in Lower Canada by the Crown, who might be, according to commission, of one or several or all the Courts, to be composed of advocates of a certain number of years practice, or of gentlemen who had been Queen's Counsel or held other honorable office in the law before the passing of the Act, so that Canadian Courts should be in the same position as English Courts, where the sergeants are assistant judges and supply all temporary vacancies.

OF DISAGREEMENTS ON JURIES.—Where the jury cannot agree, re-try the case at once by a fresh jury, either from the panel and a *tales de circumstantibus* (if need be), or if there be none on the panel, by a special precept to get together speedily the proper number of good and lawful men, whether on the jury list or no, and so form a jury of twenty-three men, of whom twelve shall be of the language of the defence, if prayed for by the accused, and the finding to be by twelve voices or more as the case may be. If, however, there be not twelve for *not guilty*, nor yet twelve agreeing on the degree of guilt and several degrees of guilt may be lawfully found (as, for example, murder or manslaughter or assault, any of which may be rendered on an indictment for the first), then, if on reconsideration the jury cannot find an agreement of at least twelve, the finding shall be entered on the lowest degree, and take effect as if unanimous, a special entry being made and so with every finding less than unanimous. Thus another source of delay will be cut off. The right of the prisoner as to the number of condemnatory