in succession, to have the plaintiff arrested and brought before him to testify, and adjourned the hearing of the cause from time to time for that purpose. Plaintiff evaded arrest under the first three warrants, but was arrested under the fourth. Having escaped he was re-arrested by defendants, who gained access to a house in which he had taken refuge, by raising a window. On his refusal to give bail he was placed in gaol:—Held, (1) that as the magistrate had jurisdiction to enter on the enquiry as to the fact of the proclamation of the Act, and whether licenses were outstanding or not, he had authority to compel the attendance of witnesses. (2) With regard to defendants opening the window and entering the house to make the arrest;—(a) That the prosecution being a criminal proceeding the warrant was not subject to the limitations which attach to civil process, but had many of the characteristics of an attachment, for which it was a substitute. (b) That the evidence shewing a previous arrest and an escape, the defendants might lawfully enter the house in fresh pursuit. (3) That the placing of the plaintiff in gaol, under the circumstances, was justifiable. (4) That sec. 46 of the Summary Convictions Act is not intended to prevent more than one adjournment, or, if so, the plaintiff could not take the objection. Messenger v. Parker et al. (1885), 18 N.S.R. 237.

TESTIMONY OF ACCOMPLICE TRIED SEPARATELY; ADMISSIBILITY.

Where a witness, although accused of having been a party to the crime, has not been indicted jointly with the prisoner at the bar, and is not being tried jointly with the latter, his evidence is admissible for the prosecution. Regina v. Viau, 7 Que. K.B. 362.

PROOF OF ABSENCE FROM CANADA TO ADMIT A DEPOSITION OF WITNESS TAKEN AT PRELIMINARY HEARING.

Per Walkem, J., on a trial under the Speedy Trials Act: (1) Evidence that the captain of a schooner had cleared from a Canadian port a week before the trial and put to sea is insufficient evidence of his being out of Canada to satisfy sec. 222, Criminal Procedure Act, and his deposition, taken on the preliminary examination, refused. Regina v. Morgan, 2 B.C.R. 329.

INFORMER AS WITNESS.

The informer is a competent witness in cases arising under 32 Vict. ch. 32 (Ont.) Reg. v. Strachan (1870), 20 U.C.C.P. 182.

COMPETENCY; DEFENDANT NOT COMPELLABLE WITNESS.

On an appeal to the Divisional Court, a conviction for unlawfully and maliciously pointing a loaded firearm at a person, was quashed on an objection taken for the first time, and the defendant who was called as a witness at the trial, was not a competent or compellable witness. [Regina v. Hart, 20 O.R. 611, followed.] Regina v. Becker, 20 O.R. 676.

SUBPŒNA TO IN ANOTHER PROVINCE.

Under the provisions of secs. 684 and 843 of the Criminal Code 1892, it is competent for a Judge of the High Court or County Court to make an order for the issue of a subpœna to witnesses in another province to compel their attendance upon an appeal to the General Sessions from the action of justices of the peace under secs. 879 and 881. Regina v. Gillespie, 16 P.R. (Ont.) 155.

TAMPERING WITH; LIQUOR LICENSE ACT.

By sec. 57 of R.S.O. ch. 181, the Liquor License Act, any person who in any prosecution under the Act tampers with a witness either before or after he is summoned or appears as such witness on any trial or proceeding under the Act, or by the offer of money or by threats or in any other way induces or attempts to induce any such person to absent himself, or swear falsely, shall be guilty of an offence under the Act, and liable to a penalty of $50; and by sec. 59 such penalty is recoverable in default of distress by imprisonment not exceeding thirty days:—Held, affirming the judgment of Gwynne, J., that this was ultra vires of the local Legislature, for the acts declared by sec. 57 to be offences were criminal offences at common law, and within the exclusive jurisdiction of the Dominion Legislature and were not brought within the local Legislature by sub-sec. 15 of sec. 92 of the B.N.A. Act, either as coming under municipal institutions or as being enactments to enforce the law as to shop, saloon, etc., licenses, in order to raise a revenue for provincial, local or municipal purposes. A conviction, therefore, under the Act for inducing a witness to absent himself, etc., was quashed. Quære, per Gwynne, J., whether under sec. 77 a conviction imposing an unauthorized sentence, such as imprisonment at hard labour, could be amended on motion to quash by striking out the words "with hard labour." Regina v. Lawrence (1878), 43 U.C.Q.B. 164.

PRIVILEGE; CRIMINATING ANSWERS.

The excuse from answering questions which may tend to criminate himself is only removed by the Canada Evidence Act, secs. 2 and 5, where the witness is being examined in a criminal proceeding, or in some civil proceeding or matter respecting which the Dominion Parliament has authority to determine the admissibility of the evidence. R. v. Douglas, 1 Can. Cr. Cas. 221.

FAILURE TO CLAIM PRIVILEGE.

If a party entitled in civil proceedings to be excused from answering questions on