

sense of Dr. Gunn, local magistrate, solved the problem. An information was laid and a search warrant issued, and the trousers were captured. The late Chief Justice Cameron, for the defence, scored the magistrate and constable as there was then no provision in law authorizing such a proceeding. The Parliament recognized the value of some means for obtaining evidence that would be useful in prosecutions, provisions to which are now embodied in the Criminal Code section 629. Although the trousers had been very carefully washed, Professor Ellis discovered what he thought were traces of blood, and after a long investigation was able to establish the fact, but the trial had to be postponed for 6 months until this was found to be blood. But in the then state of chemical and microscopical investigation he was unable to say that this was human blood. The counsel for the prisoner, fearing the effect of the doctor's evidence, put a witness in the box to account for the presence of the blood which had come from McPherson's fingers, by having previously met with an accident on a reaping machine. The witness was subsequently discredited as to his veracity, but the impression satisfied the jury that the blood was human blood and was the blood of the woman at the time of the criminal assault.

The difficulties that arose in those days have been mastered by recent discoveries in testing for human blood. It so happened that Dr. Ellis was dangerously ill when the case was tried after the adjournment, and there was a second adjournment for 6 weeks of the assize. Sir Æmilius Irving was to have taken the Crown business at the time of the first adjournment and had a great amount of work in preparing for it. The Hon. Mr. Justice Britton prosecuted when the prisoners were convicted.

A very trying and much tried case tells of the vagaries of jurors. In the early sixties, Dr. J. V. Ham, the first deputy Clerk of the Crown and County and Surrogate Court Clerk for the County of Ontario, commenced an action on behalf of himself and wife against one Lasher and others, to recover some lands of which Mrs. Ham had a patent.