administering the criminal law, and it is needless to say that it is a somewhat unpleasant reflection that if the case reserved in *The Queen* v. *Hammond* had been argued before the Judges of the Queen's Bench Division, it would probably have resulted in the affirmance of the conviction of the prisoner upon evidence, the admissibility of which, in any view of the case, must now be considered at all events as doubtful.

The life of a human being in any civilized community ought not to be exposed to any such hazard; and it is entirely contrary to the genius of the modern British criminal law that it should be so uncertain in so material a matter.

It is always an anomalous thing for judges of co-ordinate jurisdiction to arrive at diametrically opposite conclusions on the same question of law, and while it is bad enough in civil cases, it appears to be tenfold worse in criminal cases, as to which the law ought alway· to be as certain as human ingenuity can make it, and it therefore appears to be a matter urgently demanding the attention of the Dominion Government whether some remedy for the present condition of affairs cannot be found.

In England the importance of securing, as far as possible, certainty on questions of criminal law seems to be recognized. There the court for crown cases reserved is a tribunal composed of all of the Judges of the Queen's Bench Division, or any five or more of them. This tribunal has an inherent identity, although its membership may fluctuate, and the uncertainty consequent on conflicting decisions is thus avoided, and it may be well worth consideration whether it would not be better in Ontario to provide that the court for crown cases reserved should be composed of the whole of the Judges of the High Court, or at all courts of at least seven of them, and that its decision should be binding on the court, however it may be composed.

The difficulty of securing unanimity of opinion among judges where they are at liberty to form independent conclusions untramelled by previous decisions, is well illustrated by two recent cases, *Hawke* v. *Dunn* (1897), 1 Q.B. 579, (noted ante vol. 33, p. 578), and *Powell* v. *Kempton Park* (1897),