"This was upon conviction, and it ought to be shown that the person convicting had authority to convict. It is a commitment in execution. Here it does not appear by whom they were convicted. It is only said in the warrant 'brought before me and convicted.' The not showing before whom they were committed is a gross defect. Let them be discharged." In *the matter of Addis*, 2 D. & R 167; 1 B. & C. 687, it appears if the warrant of commitment be bad, and the party be discharged from it, that a new warrant of commitment may be issued upon the conviction, if that be sufficient to justify a warrant. See also *Egginton* v. *The Mayor of Lichfield* 1 Jur. N. S. 908. In *The King* v. *Rhodes*, 4 T. R. 220, the warrant of commitment recited that the party had been charged—it did not say convicted—before the magistrate, and the warrant was held bad for that cause. Buller, J., said, "The only question is, whether the warrant, on the face of it, be a good commitment in execution; and that it is not cannot be doubted, first, because the party was not previously convicted," &c. And Grose, J., said, "Therefore this warrant is bad, because it only states that the party had been charged with, not that he had been convicted of, the offence." See also 12 East. 78, note (*a*); and *The King* v. *Casterton*, 6 Q B. 509. In *The matter of Peerless* 1 Q. B. 154, Coleridge, J., said, "Of the conviction we know nothing, except through the warrant." See *Reg.* v. *Lordoft* 5 Q. B. 940; *Reg.* v. *Cavanagh* 1 Dowl. N. S. 552; *Reg.* v. *King*, 1 D. & L. 723. It lies on the party alleging there is a good and valid conviction to sustain the commitment, to produce the conviction (1 D. & L. 846). In this cause the conviction has not been brought before me. All I have seen is the warrant, and that recites a conviction before one magistrate only. I cannot infer from this, that the prisoner was convicted by two magistrates, and the warrant does not show jurisdiction in one magistrate to commit.

I think the adjudication that the imprisonment in the second and third warrants shall commence at the expiration of the time mentioned in the warrant immediately preceding it, is valid (see sec. 63 of cap. 103); and I think it is so stated as properly to form part of the warrant.

I may add, as to the imprisonment, if the portions in the margin of the second and third warrants could not be read as parts of these warrants, the periods of imprisonment would nevertheless be quite sufficient. The only thing would be that all the warrants mentioned would be running at the same time, instead of counting consecutively.

The order must go for the issue of a writ of *habeas corpus* to bring up the body of the prisoner.

Order accordingly.*

CORRESPONDENCE.

Division Courts — Transcript of judgment.

To the Editors of the Local Courts Gazette.

Gentlemen,—As much difference of opinion exists among Division Court officials respecting transcripts of judgments from one county to another, permit me state what I conceive to be the proper course of procedure; and, first, as to the duty of the clerk of the county in which judgment was obtained. Sec. 139, cap. 19, Con. Stat. U. C., requires him, when requested, to make a transcript of the judgment and send it to the clerk of such county as the party may direct. Having so done, I contend, *his* connection as clerk with the suit *entirely ceases*. Next as to the duty of the clerk *to* whom the transcript is sent: He is, upon its receipt, to enter it into a book kept for the purpose, and to do *nothing* more unless directed by the party in whose favor the judgment was given, and then only *after* such party has complied with the requirements of sec. 137 of the above mentioned statute, by *producing the certificate* of the judge of the county in which the judgment was rendered, and the *order* of the judge of the county to which the transcript has been sent, *and also paid the clerk his legal fees.*

I am clerk of a court *to* which 125 transcripts have been sent in a year, and hardly in a single instance have the statutes been complied with. The usual practice is for one clerk to send the transcript to the other, and for the recipient to issue execution without further orders, and if the money is made to transmit it to the clerk from whence he received the transcript, and if returned *nulla bona* to send a return to the same party, *charging him* with the fees. This I hold is entirely wrong, as I contend that the clerks have *nothing whatever* to do with one another further than preparing and transmitting the necessary papers. If you agree with me in my view of the law I intend in future to require a rigid compliance with the statute so far as the judge's certificate and payment of fees is concerned, as I am continually suffering loss and annoyance, in consequence of parties not paying fees, and being, in many cases, I am sorry to say, impertinently required *by clerks* to make return of transcripts.

Much diversity of opinion exists as to the legality of sending transcripts from one *division* to another in the same *county*. I think it is illegal, but if so how can a judgment be enforced against a party *not* residing in the division in which the judgment was obtained, if the bailiff takes advantage of sec. 79 of the Division Courts Act, and refuses to go beyond the limits of his division.

* Before the writ of *habeas corpus* was given to the gaoler, valid warrants of commitment had been placed in his hands, so that the prisoner was not discharged.—Eds. L. C. G.