

tion of law. Two absolutely conflicting and irreconcilable decisions have even now been given by the Judges of the Queen's Bench Division and the Judges of the Chancery Division on the point of law arising on the construction of the Canada Evidence Act, 1893 (56 Vict., c. 31), s. 5.

That section provides that "No person shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any other person: provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence."

The Judges of the Queen's Bench determined, in *The Queen v. Williams*, 26 O.R. 583, that the evidence of a person called as a witness before a coroner, is admissible against him on his subsequently being prosecuted for a criminal offence, unless, at the time of giving his evidence, he expressly claimed to be excused from giving evidence on the ground that his evidence might criminate him. The majority of the Judges of the Chancery Division (Boyd, C., and Robertson, J.) on the other hand have held in *The Queen v. Hammond*, that the evidence is inadmissible against the witness on any subsequent criminal prosecution, whether he claimed to be excused from giving evidence before the coroner or not. Meredith, J., however, dissented, and agreed with *The Queen v. Williams*. It appears, therefore, that there is a numerical majority of Judges in favour of the latter decision, but in arriving at their judgment in that case, the Judges of the Queen's Bench Division overruled the prior decision of Meredith, C.J. C.P., at nisi prius, in *The Queen v. Hendershott*, 26 O.R. 678. There are therefore Armour, C.J. Q.B., and Falconbridge, Street, and Meredith, J.J., in favour of *The Queen v. Williams* and the Chancellor, and Meredith, C.J. C.P., and Robertson, J., in favour of the view taken in the *Queen v. Hammond*. Considering the momentous interests at stake it must be confessed that this is not a satisfactory method of