what the *Law Times* has to say of ourselves. For once we are driven to believe that our eyes are no longer to be trusted. Besides the method of cure already proclaimed, the *Law Times* has a sovereign remedy for the maladies of his patient. 'Let the "Law Reports" buy up the Law Journal.' The *Law Times* says there is no room for two monthly reports. We deny the axiom, holding that free trade in reporting and fair competition are absolutely essential. Monopoly would produce delay, inferior work, and increased price. But even if monopoly was desirable, what could be more extraordinary than the proposition of the *Law Times?* Of course, if solvency means a series of dead losses, power to purchase may be equivalent to inability to pay debts. But of all the brilliant suggestions ever offered to a concern, none ever exceeded the notion of buying up an immense rival business with the sum of 8,000*l.* *debts.—Law Journal.*

CONFLICT OF JUDICIAL DECISION.

It is a great evil when cases disagree as they do so conspicuously in many departments of our law. We are sure, however, that it is not a greater evil when by reason of the divergence of judicial opinion causes go undecided or decided only in a partial and unsatisfactory manner. Recently, the Common Law Courts, which can alone give us examples of this, have been very prolific, and we shall direct attention to one or two instances.

Very numerous are the cases in which a single member of the court stands alone in his opinion, as did Bramwell, B. in a most important shipping case reported this week; and as did Bovill, C. J. in a case of equal moment affecting deeds of composition, also reported this week. Where this incident takes place in the court below, we are not so much disposed to complain, because it shows a healthy state of thought and an independence of opinion which is of advantage to the community. But it is otherwise when a division arises in a court of error, so as exactly to cut the court in two, and leave the decision appealed from *in statu quo.* A glaring instance of this is noticed by our reporter in the Court of Exchequer Chamber. The question involved the intrusion of the sheriff. In the Court of Exchequer Barons Martin and Bramwell decided against the privilege, contrary to the judgment of the Lord Chief Baron. Upon the appeal, three Justices of the Queen's Bench concurred with the judgment of Barons Martin and Bramwell, whilst three Justices of the Common Pleas concurred with the judgment of the Lord Chief Baron. Thus the appeal fell through. If an appellate court thus divides itself in such equal proportions is it surprising that twelve jurymen should sometimes find it difficult to agree?

But this is not all. Upon the question what are and what are not necessaries, the court of appeal was equally at sea, and after deliberating for three quarters of an hour, it was announced that judgment must remain suspended, further time being required for consideration. We sincerely hope that when judgment is delivered we shall not find one Judge reading the opinion of himself and two others, and the fourth Judge reading the opinions of himself and the remaining Judges, but that care will be taken to arrive at some unanimous judgment, even if some concession has to be made upon one side or the other.

We do not say that these divisions reflect upon the capacities of the Judges, but we feel bound to say that they make our system of administering justice appear very contemptible at times, and would induce us to wish that single Judges should preside as in equity, were it not that we see manifest disadvantage attaching to such a tribunal at common law. Every effort should be made to give at least a semblance of authority to the judgments of the Court of Exchequer Chamber. Its present mode of conducting its business is the strongest argument in favour of its abolition, and the adoption of the House of Lords as the only court of appeal.—*Law Times.*

The Opinion of the Profession.—When a text-writer, an advocate, or a partisan is put in the wrong or otherwise annoyed by a judicial decision, he consoles himself by saying that the 'opinion of the profession' is the other way. So Mr. Whalley says that the judgment of the Queen's Bench, in condemning the 'Confessional Unmasked,' has excited murmurs in Westminster Hall. There are always one or two wrong headed men in every profession, upon whom the united authority of any number of judges would have no effect; but it is our belief that, with some such possible exceptions, the decision has elicted universal approbation.—*Law Times.*

ONTARIO REPORTS.

COMMON LAW CHAMBERS.

Ex. Parte George Henry Martin.

Extradition—Ashburton Treaty—Con. Stat. Can., cap. 89—Stat. 24 Vic. cap. 6—29 & 30 Vic., cap. 45—Regularity of Proceedings—Admissibility of Evidence.

Where a prisoner in custody under the Ashburton Treaty obtained a *habeas corpus* and *certiorari* for his discharge, it was held that the argument as to the regularity or irregularity of the initiatory proceedings, such as information, warrant, &c., was a matter of no consequence; the material question being, whether—being in custody—there was a sufficient case made out to justify the commitment for the crime charged.

It was held that certified copies of depositions sworn in the United States, after proceedings had been initiated in Canada, and after the arrest in Canada, were admissible evidence before the Police Magistrate.

[Chambers, June 29, 1868.]

McMichael obtained a *habeas corpus* directed to the Gaoler of the Gaol in Hamilton, where the prisoner was confined, to have his body before the presiding judge in Chambers, &c., and at the same time he obtained a writ of *certiorari* under 29-30 Vic. cap. 45, addressed to the Police Magistrate of the City of Hamilton, for a return