

tremely difficult in this country to work under such limitations. Although Mr. Lister may not have occupied that prominent position at the Bar which theoretically ought to be (but for many years has not been) a prerequisite for promotion to the Bench, his reputation is such that there is every reason to anticipate that he will make a useful member of the Court of Appeal. No one can safely prophesy in such matters. The profession have often been disappointed in some of those from whom much was expected, and agreeably surprised at the judicial capacity displayed by others, little thought of at the time of their appointment. Of one thing we are sure, and that is that Mr. Justice Lister will industriously, conscientiously and with unswerving integrity of purpose, devote his whole energies to the faithful discharge of the responsible duties of his office.

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Judging from what appears in the daily papers it would look very much as though the tactics too often followed by the detective force are to be repeated in the Napanee bank robbery case. It would be well for these officers to remember that the labours of the counsel in the Clara Ford case were rendered very much easier by the lengthy and most objectionable private examination, before trial, to which the prisoner was subjected. It would be well for them also to remember the observations of the Court in *Reg. v. Day*, 20 O.R. 208, and the scathing remarks of Chief Justice Meredith in the Allison case on the same subject. Another feature of the Napanee case was the refusal of the sheriff to allow counsel for the prisoners to consult with their clients. The matter is, doubtless, one of discretion with the Crown until the case comes before the magistrate, when the prisoners have a right to the assistance of counsel; but, in view of the French "sweat box" system now in vogue, it is very necessary that prisoners should have the benefit of consultation with their counsel before being subjected to that process. A refusal to give them this privilege might properly be characterized as outrageous, except under very peculiar circumstances. Accused persons may be perfectly innocent, and yet statements made by them