dollars could be sustained under section 40, and there is some difficulty there, we suppose, unless we admit that section 40 has the effect of enlarging the Division Court jurisdiction in the case specified. Of course an explanation might be given of the use of the words referred to by reference to newspapers and individual dealings; but these are not proper elements in construing the terms of an Act of Parliament, and it might lead us to say something about a certain ambitious Durham boat-man who put out his pole to propel a vessel in Upper Canada waters, but unfortunately found nothing to bottom it on; or on the other hand, of there being such paucity of hands in the west that we were compelled to ship a man from the east to rig up the new Temperance boat.

We have not heard of any action brought under this section, and if any of our readers are aware of any such in the Division Court, we should be glad to hear from them.

There must be many distressing cases where the inhuman cupidity of liquor dealers in furnishing intoxicating liquors to a "drinking" husband, has caused loss and suffering in a family; and some of the Temperance societies or some humane person would do an act of charity by furnishing a poor wife, anxious to punish a delinquent, but unable to pay court fees, with the small sum necessary to bring an action in the Division Court.

PRACTICE OF BAILING BY JUDGES IN CRIMINAL CASES.

On page 165 of Vol. 7 of the *Law Journal* will be found an article on the law and practice of bail in criminal cases, to which we refer our readers in connection with *The Queen* v. *Chamberlain et al.*, published in another place in the present number. The writer of that article suggested as allowable the practice which has been sanctioned by Mr. Justice Wilson, in the case named, that is to say, to have the depositions certified by the County attorney; and expressed his belief that the better course in all cases would be (as suggested in that article) to obtain copies from that officer, rather than from the committing justice. We subjoin an extract therefrom on this point.

The writer, after mentioning that the procedure is not traced out in the particular enactment, goes on to say—"but enough may be collected from the several enactments bearing on the subject, to show the proper practice in such cases. Suppose, then, a practitioner instructed to apply to the county judge for an order to bail a party committed for a crime. The first step will be to procure certified copies of the examinations and papers upon which the judge is to act. If the party charged be actually in gaol, it may be assumed that the papers are filed with the County attorney; for section 39 of the Consolidated Act, before referred to (Con. Stat. C. ch. 102), and section 9 of the Local Crown Attorney's Act (c. 106, U. C.), require the depositions and papers to be 'delivered to the County attorney without delay,' and so in respect to coroners, by section 62 of the first named act. The words 'without delay' must be taken to mean without unreasonable delay, and in practice the papers are usually sent by the next mail, or are at once sent in an enclosed packet by the constable intrusted with the execution of the warrant of commitment, to be by him delivered to the County crown attorney, when he lodges his prisoner in gaol. But if on inquiry it is found that the committing magistrate has not transmitted the papers to the County attorney, that officer would doubtless call upon the magistrate at once to forward them; and that without prejudice to any proceeding that would lie against the magistrate for default in not obeying the requirements of the statute. In some cases it may save time to apply directly to the committing justices; but, unless in very urgent cases, it is better to obtain the certificate from the County crown attorney — for unless every thing is in form the papers may require to be again sent to the committing magistrate for correction, and, in any case, notice will probably be required to be given to the County attorney."

As remarked by Mr. Justice Wilson, it would be impossible for the committing magistrate, after he has complied with the law in transmitting the papers to the County attorney, to certify in the manner required by the act; and, "in favor of liberty," the learned judge made the order to bail on the depositions transmitted and certified by the County attorney.

But after all, the 63rd section of the Consolidated Satutes of Canada only provided an additional mode of verifying the depositions, &c., on the application to a judge to bail, and the judge might, we take it, act upon any