in criminal matters, yet greater care appears to be taken with regard to evidence in a promissory note case than at a trial for murder. Examinations can only be held in civil matters after due notice and deliberation. Generally, pleadings are closed and the parties are in full possession of the facts, except perhaps as to matters of detail. Ample time is given to all parties, an examiner presides, the words of the counsel and of the witness are taken down verbatim, and every incident photographed on the record. Only this class of evidence is used at a trial, except in rare cases where no stenographer is available. Compare this method with the mode of hearing one out of fifty cases disposed of in two hours at the Toronto Police Court, where perhaps less than one-twentieth of the evidence can be taken down, and where the facts and real issue are not thoroughly known by the examining counsel, and certainly most imperfectly known by the defence, the only pleading being a formal charge of crime and a plea of not guilty.

The evidence taken at a trial as proposed by the amendment to be used at a subsequent trial against the same person for the same offence is not so objectionable. Every safeguard is afforded; ample time is given; counsel is properly instructed; the facts have been partially developed on the enquiry, and therefore known to the parties. The presiding judge has watched carefully the form of question to see that no misleading statements are made, and the transcript of the notes of the evidence is the faithful reproduction of what took place. To this, I see no serious objection, and therefore the amendment proposed is reasonably fair and proper. I do see grave objections to the present sections of the Code being allowed to continue as law, viz.: admitting depositions of witnesses at the preliminary enquiry to be used at the trial, and I have endeavoured briefly to indicate some of my reasons in support of the objection.

I think the proposed amendment, as a distinct section, should become law, and the present section be repealed; in other words, that the evidence as now taken at preliminary investigations should not be used at the trial in the cases provided for, but that evidence taken at one trial should be available at a subsequent trial where the former proved abortive. There must always be grave injustice where the evidence is not taken in shorthand, and although there is a provision for so taking it before the magistrate, it is a luxury that can be indulged in only by the prisoner who has