We consider it unnecessary to discuss the propriety of their appearance in the record, as we find the prisoner was not given in charge or tried upon them, and no finding in respect thereof.

The main point of objection is the alleged insufficiency of the indictment. Our statute seems express that, in a case like the present, where the objection (if any) is patent on the face of the indictment, the prisoner must demur or move to quash: "No motion in arrest of judge shall be allowed for any defect in the indictment which might have been taken advantage of by demurrer, or amended under the authority of this Act." These words are added to those used in the Imperial Act. We therefore consider the learned Judge rightly held the answer of the Crown sufficient on the motion to arrest judgment.

If there be any meaning in the language used by the Legislature, we must hold that parties must demur to, or move to quash the indictment for any patent defect; and if not demurred to, such objection shall not be available in arrest of judgment. If the Court overrule the demurrer, the judgment is not conclusive, but can of course be carried further. The object seems to be to prevent waste of time and labour in criminal trials, and to compel a legal defence to be resorted to at the earliest possible stage.

The same statute (sec. 80) declares that "no writ of error shall be allowed in any criminal case, unless it be founded on some question of law which could not have been reserved, or which the Judge presiding at the trial refused to reserve for the consideration of the Court having jurisdiction in such cases" The right to reserve a case is under Consol. Stat. U. C., ch. 112, whereby the Judge may in his discretion reserve "any question of law which arose on the trial."

I am at present under the impression that at the trial of this case, if a question arose whether the "Police Court" was a Court, or the "information" mentioned in the indictment a document, within the meaning of the statute, the presiding Judge could have reserved the question under the statute. It does not appear that he was asked, or refused so to do. If the objection had been suggested that it was necessary to describe such a paper as an original document belonging to said Police Court, I think the Court could, on the evidence that it really was such a document, order the indictment to be amended by inserting such words.

If this view be correct, all alleged errors could have been either cured at the trial or would come up before the Court on demurrer; and in such a view the writ of error should not be allowed.

If the objections be properly before us, we could, I think, have no hesitation in deciding against the plaintiff in error. Our statute (sec. 18) makes it felony in any one who "steals, or for any fradulent purpose takes from its place of deposit for the time being, or from any person having the custody thereof, &c., any record, writ, return, panel, process, interrogatory, deposition, rule, order, or warrant of attorney, or any original document, whatsoever, of, or belonging to any Court of Record or other Court of Justice, or relating to any matter civil or criminal, begun, depending, or terminated in any such Court, or any bill, &c., in equity, &c., or of any original document in any wise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any Court of Justice, or in any Government or public office."

We are asked to confine this to the documents of Courts of Record. We are satisfied that we have no right so to do. The words used are very comprehensive, and include in terms all Courts of Justice The Police Court, established by statute, must fall within this description. This seems too clear for argument.

The indictment charges the stealing "a certain information made and subscribed by one J. M., against one J. V., at the Police Court of the said city, such Court being a Court of Justice in the Province of Ontario, from one J. N., clerk of the said Court, then having the lawful custody of the same." We think these words, at all events after verdict, sufficiently charge the stealing of an original document belonging to the Court.

The word "information" is not one of the words used specifically in the Act, which speaks of "depositions" and "affidavit," and then, "or any orginal document whatsoever, of, or belonging to any Court of Record or other Court of Justice, or relating to any matter, &c., depending in such Court."

We know, judicially, that the word "information" bears the meaning of a statement or deposition on oath, and, if so, that it imports that it is an original document, and that the proof would necessarily have failed if it shewed the the abstraction of any piece of paper not falling within the statutable definition. The addition of the words, "the same being an orginal document belonging to the said Court," would have removed all difficulty.

As is said by Blackburn, J., in *Nash* v. *The Queen* (4 B. & S. 940), "After a verdict of guilty rendered, we must take it that the jury found all necessary to establish the offence, one or more, charged in this count, and we must suppose that the Judge told them what parts of it were material and what not"

We are of opinion that judgment must be for the Crown.

GWYNNE, J.—Nothing can be more informal and imperfect than the manner in which the proceedings in these cases have been entered upon the record of those proceedings as furnished to us. When we extract, as best we can, the material part, and examined the alledged errors, which have been assigned, our judgment must be for the Crown.

[After stating the contents of the second indictment, the learned judge continued:]

These were the only counts in the indictment charging any substantive criminal offences to be tried; but the indictment contained *statements* of the prisoner having been previously convicted upon three several occasions of misdemeanours, which statements, if the prisoner should be found guilty of the substantive felonies charged, or of either of them, would have been matter proper to be inquired into, if the misdemeanors had been stated to have been within the 18th section of 32 and 33 Vic. ch. 21, namely, misdemeanors punishable under that Act. The substance of the indictment and convictions was not stated, as required by the 26th section of 32 and 33 Vic., ch. 29. If the non-compliance with the provi-