the petition for discharge may be made, not only in that case, but in all cases (*dans tous les cas*), which would include all the cases in the section, some of which are *délits*.

We have then to look at the authority given for this imprisonment, and see whether it states a cause of detention that can be removed or complied with, so as to restore the prisoner to liberty. As has been stated already, it does not specify the effects he is to bring forward. Now I admit that when you send a man to jail under civil process, you must, if I may so speak, not only show him the way in, but you must also show him the way out; you must tell him what he is to do to satisfy you, and to get his liberation, and it must evidently be something that he can do, or that can be done. In the present case it was said that the prisoner being a guardian and entitled to a copy of the *procès-verbal* of seizure must know what are the effects he has to give up; on the other hand it was urged that though that might be so, yet his jailer did not necessarily know these effects, and would therefore not liberate him on his statement as to what they consisted of. That no doubt is true, but the jailer is not required so to act. The duty is not thrown upon him of judging whether there has been a compliance by the prisoner with the terms and conditions on which his liberation depends. That duty rests with the Court which has imprisoned him. Not only has the jailer no such duty or power, but in the nature of things it is a duty and a power that he could not possibly exercise, for even if the effects were specified in the warrant, and brought forward by the prisoner, and corresponded with the description, the identity would still be a matter of proof of which the jailer could not judge, and in which the creditor would have an obvious interest. (See *Cramp* v. *Coquereau*, 3 L. N. 332). Accordingly, we find by article 794 the discharge must be ordered by the judge upon application of which notice has been given to the prosecuting creditor. Application is made, and notice is given; but does the warrant state a cause of detention that he cannot remove? I think not. As guardian, and officer of this court he has by law a list of these effects. As far as he is concerned, at all events, he can know, and he must be held to know what they are. When he comes to the Court, and either produces them, or shows good reason for not producing them, or offers the money, the Court can order the discharge: but not till then can the Court interfere, still less the jailer, on the ground of non-disclosure by the commitment of that which the guardian is bound to know. Even if the effects were to be brought before the Court, the prosecuting creditor might contest the number or the identity of them, for it might be a gold watch that was seized, and the guardian might only produce a brass one, and so on in a variety of instances, where the Court alone could decide whether the things seized were faithfully represented or not. The other ground need not of course be noticed, as there is a sufficiently expressed legal ground of detention in the warrant.

Petition dismissed with costs.

W. H. Kerr, Q. C., for the petitioner,
J. G. D'Amour, for the plaintiff.

QUEEN'S COUNSEL, AND HOW THEY ARE MADE.

"Her Majesty having been pleased to appoint you one of her Counsel learned in the law, you will take your seat within the bar." Such are the words addressed by each judge to the newly-created Queen's Counsel when the latter attends the different courts for the purpose of formally taking his seat.

The gentlemen thus publicly honoured are barristers of ten years' standing and upwards, who have been considered by the Lord Chancellor, worthy of elevation to the dignity of Her Majesty's Counsel. It is said that the appointment is given as a recognition of the superior learning and ability of the gentlemen promoted, but, as a matter of fact, learning and ability have little or nothing to do with the matter, and a barrister desirous of promotion can obtain it, almost as a matter of course, by merely intimating his wishes to the Lord Chancellor. In this respect the law stands alone, for in every other profession the candidate for honours obtains promotion from being possessed of some special talent, or is appointed to