the question of a prisoner's guilt; it leaves prosecuting counsel perfectly free to expose and comment upon the bias of a prisoner and his witnesses. At the same time, it gives a person accused of an offence an opportunity of explaining his conduct infinitely more satisfactory than the unsworn statement which some modern judges permit him to make, and subjects his testimony to the crucial test of cross-examination without commiting the error, which has vitiated continental criminal jurisprudence, and has even appeared in the administration of justice in several of the American States, of allowing a prosecutor to show that a man has perpetrated one crime by accumulating a mass of testimony or prejudice to prove that he has perpetrated another. Subject to any amendments which the legal wisdom of Parliament may suggest, we hope that this measure will pass into law.—*Law Journal.*

Correspondence.

THE COURT OF APPEAL.

To the Editor of THE LAW JOURNAL:

DEAR SIR,—Can you tell me why it is that our Ontario Court of Appeal is made up of even numbers? A case was reported the other day as having fallen through because two judges were on one side and two on the other, and this is not at all a solitary case. I believe, in this instance, with Rory O'More, that "there's luck in odd numbers."

Yours, LEX.

[We believe the theory of the even number is that if the court is equally divided it is right that the decision of the court below should stand, thus, as far as possible, insuring a majority judgment. This, of course is not always obtainable. Many instances have occurred where an unsuccessful litigant has had a considerable majority of judges in his favour, as for example the case of *McKay* v. *Crysler*, 3 S.C.R. 436, where nine judges were overruled by three; Spragge, C., Blake and Proudfoot, V.C.C., Moss, C.J., Burton, Patterson, Morrison, Strong, and Gwynne, JJ., being in favour of the plaintiff, whilst Ritchie, C.J., and Fournier and Henry, JJ., only agreed with the defendant, who, however, succeeded. We are inclined to think it is best that there should be an even number, though it is not a rule that works satisfactorily in all cases.—ED. C.L.J.]