would then have no longer operated as liens on the lands, and so the foundation of their suits destroyed.

I submit then, that the construction of this act is,—*First*, that after the last of August, 1861, the registrations of judgments, rules, orders, or decrees, for the payment of money, of any court of Upper Canada, shall no longer create liens, or charges upon lands, or any interest therein; and that those which have been and which shall have been registered, will then cease to operate as liens, &c., *excepting* those upon which bills had been filed, and the suits had been pending on or before the 18th May, 1861—these will continue to operate as if this act had not been passed.

Secondly—That after the said last of August, writs against lands which have issued and which shall have issued before the 1st September, 1861, and which shall be founded on judgments which have been registered before the passing of this act, shall have priority according to the priority of the registrations of the judgments on which they have or shall have issued respectively.

This is the rendering, as I conceive it, of the last three sections of the act—last three as they are now divided in the published statute.

The rest of the act of course requires no comment to elucidate its meaning.

JUNIUS, JUNIOR.

Toronto, August 3, 1861.

[In the article to which our correspondent refers, we did not pretend critically to analyze the act. Our object was to make an announcement of its existence, and in general terms to state what we thought of it. It is quite possible that the construction of the act in some of the points to which we directed attention is free from doubt in the mind of our able and pains-taking correspondent, but it is, to say the least of it, a little singular that many felt doubts where our correspondent sees none.—EDS. L. J.]

Rights of accused on a charge of felony before a Magistrate.

TO THE EDITORS OF THE LAW JOURNAL.

DEAR SIRS,—There is a point of our criminal law on which there seems to be some difference among the magistracy, both in opinion and practice.

It is, whether at a preliminary examination before magistrates, on a charge of felony, the accused has a legal right to enter fully into his defence, and produce and examine his witnesses, either to disprove the charge in *toto*, or deprive it of a felonious character.

I see the Police magistrate in Toronto—the Hogan case for example,—allows the accused this privilege; our J. P.'s refuse it.

Now, is it either a right or a privilege, optional with the Justices, to grant or refuse? And if not a right, ought not and will not its refusal very frequently impose great hardship and inconvenience?

Where the proceeding is summary, the right is indisputable; if otherwise in cases of felony, as in the case cited, by what authority does the Police magistrate allow it to those brought before him?

Can it be justly called *an examination* where only one side, and not necessarily all of that, is heard?

Please give your opinion, and oblige

Yours truly, INQUIRER.

[1. The depositions on the part of a prosecution for felony having been all taken, the magistrate should consider whether they contain such a strong *prima facie* case of guilt against the prisoner as to warrant his sending the case to a jury.

2. If the magistrate considers the evidence sufficiently strong against the prisoner to call upon him for his defence, he should ask him what he has to say in answer to the charge made against him, and if he is willing to make any statement it is the duty of the magistrate after giving the usual caution, to receive it.

3. If the prisoner, after having been duly cautioned, either on his own motion or in reply to fair and open questions put to him from the bench, should think proper to make any statement, it is the duty of the magistrate to allow him to do so.

4. If the prisoner be desirous of calling witnesses for his defence at this stage of the proceedings, (which it is imprudent for him to do unless he has strong grounds for belief that he can satisfy the magistrate of his innocence, and thus procure his discharge, or at all events an admission to bail,) he is at liberty to call as many witnesses as he pleases, and they must be sworn and examined, and their examinations taken down in writing in the same manner as those for the prosecution. (See Stone's Petty Sessions, 6 Edn. 271, -2, -4, -6.)—EDS. L. J.]

REVIEWS.

A SYSTEM OF CONVEYANCING; COMPRISING THE PRINCIPLES, FORMS AND LAWS, WHICH REGULATE THE TRANSFER OF PROPERTY IN CANADA. Edited by J. Webster Hancock, LL.B., Barrister-at-Law, Berlin, C. W. Published by L. Stebbens, 1861.

This is by far the best work on conveyancing ever issued in Canada. We have had several works of the kind, but none manifesting so much ability and industry as this volume.

It is not a mere book of forms. It comprises, as indicated on the title page, not only forms, but "the principles" and "laws" of conveyancing in this province.

Truly does the Editor, in his preface, remark that "the voluminous and costly works of the great English conveyancers contain little that is needed in ordinary practice on this continent." The conveyancing forms of England are in general quite unsuited to the circumstances of this colony. Simplicity not complexity, is the rule of conveyancing in Canada. Real estate here, compared with real estate in Great Britain, is of little value, and changes hands much more frequently here than there. Titles here are simple; and owing to our admirable system of universal registration, the state of a title is usually easy of access.

The danger however with us is that the very simplicity of our conveyancing forms may lead to looseness of style and incoherency of statement. Nothing is better as a preventive than a reliable book of forms adapted to our want. The book before us appears to be exactly that which is needed.