

ter of excuse sufficient to deprive the defendant of the costs to which he has been put, that the complainant or the convicting justices do not oppose the motion?

This way of disposing of these applications is having a bad effect on country justices, who in the majority of cases are consulted beforehand by the complainant in the laying of the information, and are to that extent prejudiced before the hearing, and if there is the slightest amount of evidence against the defendant they are determined to convict, knowing that in such applications they are invariably protected by the higher court.

This applies particularly to cases instituted at the instance of a private prosecutor, called the complainant, which are often the outcome of a private feud between himself and the accused, and the information is laid not so much to forward the interests of justice as for what may be termed "satisfaction." In all cases so instituted, I submit it would be in the best interest of justice that the old rule regarding costs should govern, namely, that costs should follow the event. That would have a salutary effect on persons invoking the machinery of our criminal courts to have their private grievances aired, and it would also impose upon our magistrates the necessity of caution and care in their office. Particularly should costs be imposed in cases where it appears that at the hearing of the complaint, due objection was taken on the defendant's part either to the jurisdiction or to the admissibility of evidence, or to the form and sufficiency of the information and the evidence, despite which, the complainant pressing, the magistrates convict.

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