

a pious moment, the late Thomas Carlyle prayed that our "only general" might "live to turn the key."

In indictable cases the magistrate's duty is clear, to commit, if there is a *prima facie* case, although I have known so experienced a magistrate as Mr. Hannay tell a defendant that he had no doubt of his intention to defraud (which he had no right to say unless he meant to commit), and then dismiss the charge on the ground that no jury would convict.

One of the weakest parts of the system is the way in which depositions are taken. Statements are often put on the file which could never become evidence. Of course, in indictable cases, such a thing can do little harm beyond burdening the depositions uselessly; but injustice is often caused by the omission of material facts. No means exist of compelling magistrates' clerks, many of whom, as Sir James Hannen said of the present Attorney-General, "sometimes seem to preside over the court," to make note of anything which they may consider unimportant. The consequence is, that any witness who may have made an inconvenient admission, and who finds that it is omitted from the depositions, to which he may have access at any time through his solicitor, "plucks up heart of grace" and repudiates it altogether.

I have no wish to attack magistrates' clerks. They are an industrious and underpaid body. One, Mr. Martin, joint author of "A Magisterial and Police Guide," is an accomplished lawyer. But it must not be forgotten that while a barrister, to become a clerk, must be of fourteen years' standing, although seven years are sufficient to qualify him for the bench, the post may be filled by a solicitor just admitted, and with no experience at all of criminal work.

With regard to witnesses, a great deal of nonsense has been talked about their treatment by counsel and solicitors. To hear the dithyrambs of the press, one would think we had returned to the days of Peacham, "examined before torture, in torture, between torture, and after torture." My own experience is that witnesses are quite able to take care of themselves.

There is one class, the police, of which I ought to say a word in conclusion. They have been attacked as if they had been born with a "double dose of original sin." My experience is that they are much as other men are. No doubt they are inclined to make rather ample drafts on the magisterial faith, which are, perhaps, honored a little too readily. Possibly magistrates feel that if they begin to doubt anything, they may end, like Gibbon, by believing nothing. Of course it is obvious that, by making a man one of a class, with his chance of promotion depending upon his reputation as a smart officer, as well as upon the good will of his comrades, you give him a direct interest in securing a conviction and in supporting others in doing so.

If I were asked for my advice, it would be that of Talleyrand, "Surtout pas trop de zèle."—*W. Holloway, in "Green Bag."*