

comparatively unknown practice, to such an extent that an inexperienced Counsel may find himself blocked at the very simplest stage of his prosecution. There is, therefore, the gravest necessity for Counsel to be seized of all the facts, to weigh them carefully and considerably, to weed out all that is objectionable, and to be able, by a thorough study and knowledge of his case, to meet the many objections and surprises that are likely to beset his path before he is able to establish a case to go to the jury.

There is still another point to be considered. Every man placed upon his trial for a criminal offence is entitled to be tried fairly. The greatest care should be exercised on the part of the Crown in order that he may not be unjustly convicted, and it is always of the greatest consequence that evidence should not receive greater weight than it is entitled to, and that witnesses should not be allowed to magnify that into an important element against the prisoner which, as a matter of law, may not be of much importance in estimating the guilt or innocence of the accused. On the other hand, it is as clearly the duty of the Crown to see that the prisoner is not improperly acquitted, by reason of the non-production of proper, sufficient, and available evidence. Keeping these two objects in view, it is manifest that the greatest deliberation and care are necessary on the part of Crown Counsel in order that a fair and sufficient trial be had. Many cases are intricate, the evidence is often conflicting, the details frequently of the most minute character, and the feelings of the witnesses themselves require to be thoroughly and cautiously analysed. Clever defences have to be anticipated, lest there be a miscarriage of justice, and in a hundred other different ways, the public interest is to be considered and protected in criminal prosecutions, even where they are of a minor character. Such being the case, it is evident that Crown Counsel should be in possession of all the facts a reasonable time before the trial, and should be thoroughly competent to deal with the case before him in all its different branches.

The criminal law, whilst simple in much of its practice, presents at the same time some of the most difficult questions that can possibly arise in a legal practice. To select, therefore, as a Crown Counsel, a professional man whose engagements are purely of a civil character, except on one or two occasions in each year when he is entrusted with Crown work, is, to say the least of it, a somewhat dangerous proceeding; and there is no doubt that prosecutions which should, in the interest of the State, result in a conviction, collapse, not because the Crown Counsel is a man devoid of ability, but on account of his inexperience in criminal matters. Many additional arguments will suggest themselves to the reader why Crown Counsel should be, not only men of ability, but also of considerable knowledge and of varied practice in criminal prosecutions.

A remedy for all this is suggested. Why should not Counsel be selected for each circuit, and then occupy a position somewhat analagous to the public prosecutor in England? He should be kept informed of all questions likely to arise in the courts Oyer and Terminer within his circuit, and in order that he might be available at all times, his appointment should be a permanent one. He might be paid in fees, as Crown Counsel are at present, and an allowance might