

DIARY FOR NOVEMBER.

1. Mon. *All Saints.*
7. SUN. *24th Sunday after Trinity.*
12. Fri. .. Exam. of Law Students for Call to the Bar.
13. Sat. .. Exam. of Artl. Clerks for Certificates of fitness.
14. SUN. *25th Sunday after Trinity.*
15. Mon. Michaelmas Term begins.
16. Tues. Examination for Osgoode Hall Scholarships.
17. Wed. Last day for service for County Court. Interim Exam. of Law Students and Articled Clerks.
19. Frid. Paper Day, Q. B. New Trial Day, C. Pleas.
20. Sat. .. Paper Day, C. P. New Trial Day, Q. B.
21. SUN. *26th Sunday after Trinity.*
22. Mon. Paper Day, Q. B. New Trial Day, C. P.
23. Tues. Paper Day, C. P. New Trial Day, Q. B.
24. Wed. Paper Day, Queen's Bench. New Trial Day, Common Pleas. Last day for setting down and giving notice for re-hearing.
25. Thur. Paper Day, Common Pleas.
26. Fri. .. New Trial Day, Queen's Bench.
27. Sat. .. Declare for County Court.
28. SUN. *1st Sunday in Advent.*
29. Mon. Paper Day, Q. B. New Trial Day, C. P.
30. Tues. *St. Andrew.* Paper Day, Common Pleas. New Trial Day, Queen's Bench,

The Local Courts'

AND

MUNICIPAL GAZETTE.

NOVEMBER, 1869.

THE NEW LAW FOR THE MORE SPEEDY TRIAL OF PERSONS CHARGED WITH CRIME.

A short act passed in the last session of the Parliament of Canada makes an important change in respect to criminal procedure in the case of persons committed to gaol charged with crime. It is one of those gigantic strides in legislation, the full bearing and extent of which is not at first fully perceived, but when brought into use, and its value seen, we all are apt to wonder why it was not long before placed on the statute book.

The statute, entitled "An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec," was introduced in the House of Commons by the Hon. John Sandfield Macdonald, Attorney-General for this Province, in a brief, incisive speech, explaining the nature of the change, the objects it was designed to accomplish and the evils it was intended to remedy. The measure attracted attention from all parties, and secured universal favor and support. Intended by the Premier of Ontario to apply only to the Province of Ontario, leading lawyers and members representing the views of the Government in the Province of Quebec claimed that it should be extended to that Province also, and so, finally, the act was passed.

Never was an act making so serious a change passed with less objection. We are not surprised at this, however, in respect to the Province of Quebec, where the system of trial by jury is not interlaced with its procedure civil and criminal, as it is with us; nor would the intrinsic merit of the proposition explain its ready acceptance even in the Province of Ontario, had not the public mind been for some years tending, in a measure, towards a more satisfactory, prompt and economical mode for the decision of questions of fact than trial by jury affords. Spurned at first, then listened to coldly, finally adopted, the partial disuse of trial by jury is now quite within the memory of the public men of the day; but since the first considerable inroad was made in that system, little or no progress has been made. Our apathy, or, it may be, our conservatism in legal matters stood in the way of further material progress until within the last few years, when modern enlightenment and the clamor for economy and speed in administration, if not the steady tide of human progress has opened to us sounder and better ways of dealing with legal procedure. The first great step was in the establishment in Upper Canada of a complete system of local administration which provided crown prosecutors in every judicial district in the country, a body of officers, trained men, taken from the bar, appointed by the Crown, and directly under the Government, to conduct and direct prosecutions against persons charged with crime. Since the federation of the British American Provinces, trial by jury in Ontario has been seriously curtailed by two acts of Parliament, and the idea seems to be gaining ground, that the mode of disposing of cases both civil and criminal by a judge alone will be the rule rather than the exception, and that the Benthamite idea of "single seated justice" will supersede the jury tribunal, which many in the present day believe fails in most cases to answer any valuable purpose.

The design of the act before us, shortly stated, is this: to secure the trial of persons charged with crime with the least possible delay and at the least possible expense. Not that proceedings are intended to be hurried forward with reckless and indecent haste, or, to use the language of Mr. Justice Gwynne's address, that "a slipshod mode of administering Justice, which is far from the intention and design of the act, and