

and liberty of the subject, should feel that their future employment was not determined by any circumstance of a political nature or by the possibility of a change of government.

There is also another objection to the appointment of Counsel being of a temporary character. The same Counsel is not, as a rule, assigned to the same court or even the same circuit for two assizes in succession. He therefore finds himself a total stranger to the local surroundings, the local officers of the Crown, and the character of the community where he is expected to perform his duty. These are important things to know, as every Counsel, civil or criminal, will admit, and the want of such knowledge very often militates against a good Crown officer to the detriment of himself and the prosecution. His appointment, too, is necessarily made only a short time before the opening day of the court. By the time he has communicated with the County Crown Attorney, received the depositions and written again for explanations, the court is upon him, and he finds himself but half prepared to present his case fairly, and perhaps not prepared at all to do battle with some able lawyer and difficult evidence on the other side. As a rule, the depositions give but little information: the fine points of the case do not appear on the face of the evidence taken down by some worthy layman who is very likely accustomed more to the axe than to the pen. The magistrates may be good, substantial men of their neighborhood, but their appreciation of the facts of a criminal case cannot be said to equal their honest intentions to do justice in the premises. The most a Counsel can gather from the papers is a general impression of what the evidence may be, not what it really is. In this connection it may well be pointed out that the turning points in a criminal prosecution do not often appear from preliminary examinations as recorded by the justices, and the Counsel for the Crown has to ascertain, as best he can, and often in a hurried and perfunctory manner, from the witnesses present at the court, just what the real facts are, which state of affairs, it is needless to say, often results in an acquittal when there ought to be a conviction; or in a traverse of a case at considerable expense to the country and a risk of losing by next court what little evidence there is against the offender.

Another very serious phase of the present state of things is that the evidence brought before the prosecuting counsel is not complete, for the reason that, in many cases, particularly those involving difficult questions of law and which come before the local officer perhaps for the first time in his practice, the requisite practical and experienced knowledge is not possessed by him and cannot be expected of him for the due preparation of the Crown brief. Very often, as we are informed by old Crown officers, the evidence brought forward is not pertinent to the issue, and is otherwise frequently inadmissible. Facts are left unproved, not from want of evidence to sustain them, but by reason of the proper witnesses not having been subpoenaed to prove them. The criminal law practice is not like civil proceedings. No latitude is permitted on the part of the Crown whilst every indulgence is properly given to the prisoner. He has the benefit of all reasonable doubts. His defence is often permitted to be given in the loosest sort of manner, whilst the Crown is rigidly tied down to unwritten law and