of embezzlement, was set at liberty, to exercise further his talents for legal crime and innocent theft.

By the proposed statute, the offence is put in an attempt to misappropriate, which covers theft, breach of trust, including embezzlement and obtaining money under false pretences. The objects of theft are defined so that title-deeds and things which savor of the realty are no longer an absurd exception. The taking which constitutes theft includes taking with the owner's consent, if that is obtained by fraud, and whether the owner is in possession or not. Of average commercial morality the codifier seems to have a low opinion, as the section as to obtaining money by false pretences contains this rather remarkable and confusing exception: "provided that it is not obtaining property by false pretences to persuade any person to transfer his proprietary right in any such property, either by a promise not intended to be performed, or by such untrue commendation or depreciation of a thing sold as is usual between buyers and sellers." This elastic exception might confuse sagacious juries, and, were the customs of some parts of the world to be received in evidence, might make criminal false pretences impossible.

Fraudulent misappropriation is made an indictable offence. This offence includes theft, breach of trust, embezzlement, and obtaining property under false pretences. The danger of a criminal escaping, who, for instance, is indicted for theft, when the evidence just brings him safely within the line of embezzlement, is thus avoided.

Space does not allow us to review the provisions of the code as to many other forms of criminal action with which it treats. No changes are introduced of such importance as to be of any special interest to the American lawyer. As a specimen of accurate phraseology, of scientific legislation, of brief yet comprehensive definition, this act deserves to stand high among the great codes of the world.

Criminal procedure is next dealt with, and here many important changes are made. The remarkable feature of English law, that there is no public prosecutor, is left unaffected. That the public, by its legal representative, should not see to the punishment of crime, but it should still be left for the individual to pursue the offender,—as when vengeance was a private right, and the injured person or his kindred sought redress with their own hands, and when crime was an offence not against the State but the individual,—is a curious instance of survival even in England. No plausible reason has been or can be adduced against the existence of a public prosecutor, and it might have been hoped that Sir James, who does not lack courage, would have supplied this great lack. The vigorous measures of the last few years give good grounds to hope that such a change will not lag far in the rear.

By the changes which are now made, however, a vast mass of the mysteries of pleading, of the complicated practice, which, instead of being a means to the enforcement of justice, helps to narrow the great science of the law into an ignoble ingenuity and unfair artifice, carrying joy to the breast of Chitty, and regret to that of Bentham or Brougham, passes away to rejoin many special pleas, rejoinders, surrebutters, imparlances, avowries, repleaders, and pleas *puis darrein continuance*, which have already departed into the rest of endless confusion. The tedious and involved indictments which are still used in England and this country are a double evil. They do not furnish the prisoner with a plain statement of the offence with which he is charged, and the witnesses with whom he is to be confronted. On the other hand, they afford innumerable opportunities for a criminal who has the means to employ astute counsel to cheat justice by some technical defect. The law should see that every person charged with crime shall be convicted only on satisfactory proof, and after a fair trial. But the many chances which our criminal practice affords for the escape of an offender, save by the one means of a verdict of not guilty, are an encouragement to crime, an offence to law-abiding men, and of infinite harm to the community. Such failures of justice, if this code is adopted, will, in England, be rare.

In the first place, the useless law of venue is done away with. No proceeding shall be invalid because a trial took place elsewhere than where the court should have sat, or where the offence was committed, unless it appears that the defendant was thereby prejudiced. The defendant may be first arrested on a bench-warrant issued by a justice, and held by him