judges of the Courts of Quarter Sessions? Certainly not. What then—does a crime when presented for trial at the Quarter Sessions lose the distinctive character it has at the Assizes? An offence against the peace or dignity of the Crown—the Queen, the plaintiff—is at the Sessions to be regarded wholly as an offence of private nature, affecting only the individual injured (who is allowed to manage and conduct it as he sees fit)—that the party injured is, in fact, the plaintiff? Certainly not, or the law would confer upon him the rights of a plaintiff. A crime, then, is to be regarded in all respects as losing nothing of its nature or character whatever tribunal it is brought before for investigation. But in practice the Queen is represented in the Courts of Assize, and by her representative "learned in the law" brings her cases before the court and jury, presenting them in that clear and intelligent way which so greatly aids the administration of justice; while in her Courts of Quarter Sessions her cases are left to take care of themselves."

In respect to the value of a public prosecutor at the Assizes it goes on to say:

"On the Assize day the Crown officer appears, commonly at the opening of the court. He knows little or nothing of the business he has to conduct; even of the cases remaining from the last Assizes his predecessors may not have left any notes for his guidance; of the new business he must look to the depositions and other papers for his information. The Crown officer's first care, then, is to hunt up the depositions and papers in each case, and to examine them, that he may be able to judge from the facts and circumstances alleged what offence should be charged and how it should be set forth; and herein are important considerations, for the same facts may support charges of a very different character, and a misdemeanor or a more serious charge—felony—or several charges of a like hue, may rest on the facts. Again, the charge may require to be varied in several courts of an indictment as they can be sustained in evidence. The examinations, etc., taken by magistrates, are not to be relied on as designating the offence with legal accuracy—what it may be is to be collected from the statements therein—and it is often necessary to examine the prosecutor and his witnesses *viva voce* to understand the matter set out in the depositions, or to obtain *data* from facts and circumstances necessary to be alleged and proved, but yet not stated in the depositions. Having decided on the offence to be charged and the mode of laying the same the indictment is drawn. The Crown officer must then ascertain if the witnesses necessary to the finding a bill and proceeding to trial are present. If not they must be sent for, or if impossible to procure their attendance in time an application must be made to put off the trial to another court—frequently causing great inconvenience to the prosecutor, the witnesses and the public, and working with unnecessary severity against the party accused.

"If an indictment be found the trial goes on, the Crown, if need be, exercising its right to challenge. The prosecution is conducted by an officer of the Crown, who feels that his duty is, not to fight for a conviction, but to lay the facts bearing upon the matter calmly and deliberately before the court and jury—his aim is to bring under review all that tends to throw light upon the charge, his only wish that the supremacy of the law may not be defeated from the omission of proper evidence, or through any inaccuracy in the proceedings. Whether examining witnesses or addressing the court or jury he feels his position; and being specially appointed to aid in the administration of justice he is free from that bias which, otherwise, he might not be able to divest himself of if the paid advocate of the party directly affected."

And speaking of the anomalous procedure at the Sessions the writer observes:

"Then the Clerk of the Peace prepares an indictment, as best he can, on the despositions returned to him. In ordinary cases he may be equal to it, but he is not competent to determine the way in which the charge should be laid, the sufficiency or completeness of the evidence, etc., for competency involves a thorough knowledge of the body of criminal law, the law of procedure and the law of evidence. Can it be a matter of surprise, then, that prosecutions are defeated from defects in the indictment, or fail for want of sufficient evidence being at hand."

"The indictment drawn, the duties of the Clerk of the Peace as to the proceedings are at an end; the jury is then called, but the right of challenge in the Crown is here a nullity. At the trial the Chairman examines the witnesses (re-examining them if needed), and cross-examines the defendant's witnesses, and is compelled to combine in some measure the office of judge and Crown prosecutor This is obviously an anomalous position, the judge at any moment liable to have exception taken to his mode of examination, his questions objected to, and then required as a judge to decide on the propriety of the questions by himself proposed. Yet this is forced on the chairman wherever counsel is employed on the defence, for he has either tacitly to allow justice to be defeated, by permitting half answers and doubtful or colorable assertions to go before the jury as evidence, or to elicit the whole truth, by examination and cross-examination of witnesses. This observation has special force when the witnesses for the prosecution are disposed to favor the accused. But sometimes the complainant will retain counsel. Why should he do so. It is not a proceeding to give satisfaction to him, but to vindicate public justice. He has but expense and trouble. The fruits of the conviction, when the criminal has any property, go to the country or the Crown. With counsel, then, so retained, the matter is not bettered; he is disposed to identify himself with the complainant, and look on his client as the prosecutor, instead of considering himself acting for the Crown. Will he not be moved to handle the case just as he would an action of trespass, giving an exaggerated view to the jury, and using all his ability to secure a conviction against the accused—in whose favor the benevolent principle of the English law has made all exception, and commands the very judge to be his counsel. Any one familiar with the proceedings at Quarter Sessions must have been struck with the contrast between a counsel commissioned by and acting for the Crown and the counsel employed by the complainant—the former conducting his case in a fair, calm and ingenuous manner, the latter professedly acting for the Crown, but in reality bring all the tact and ability he is master of to advocate his employer's views.

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"Our own experience has presented many cases in which no doubt could be entertained of the guilt of the parties; and yet, by reason of some