

numerous beyond all powers of computation; while the most copious language has comparatively an insignificant number of words. Therefore almost every word has a great latitude of meaning, to be determined, in each case, by reference to the subject it relates to, its connection with other words, and in various other ways. So the life of no man is long enough for the acquisition of a perfect knowledge of any one language; but persons approximate toward this object, in different degrees. Two consequences, therefore, are apparent; first, that no one ever expressed but imperfectly the thoughts of his own mind; secondly, that no one ever apprehended but imperfectly the expression of another.

Jurists and judges have done what they could to obviate this difficulty in the language of law. The result is, that many words and phrases have acquired a precise legal meaning, more or less broad than the popular one; or a particular precise meaning when used in one branch of jurisprudence, and another branch. And we shall find our progress through the later pages of this work, made easy, if we here traverse, for a little space, this technical field. We shall look as well into the common as into the statutory criminal law; for we have already seen, that words and phrases have usually the same signification in both. Both writer and reader should alike tread cautiously here; for in the midst of the general flexibility of human language, it is a bold and dangerous thing to say of any word or phrase, however technical, that such or such is its exact sense, not more nor less, in every place where it may possibly be found. Neither shall we deem it wise, in this connection, to go over the entire technical language of the criminal law; for much, and perhaps the greater part of it, is better explained as we proceed with the main subject. Some words and phrases, too, which might seem to demand a particular explanation here, are so modified by the matter to which they relate, and by the other words of the statute in which they occur, that we could not do them full justice without devoting to them more space than we can spare; while, on the other hand, it will be a help to the practitioner to be referred to the cases, which he may examine for himself.

We shall proceed to a consideration of the matter before us in the following order: I. Those words and phrases which denote the person acting; that is, violating the law. II. The time and place. III. The thing done, and its nature and quality. IV. The instrumentalities employed, and the object acted upon. V. The proceedings.

We can only make room for a couple of sections more from the chapter as to—

**WHAT IS A SUFFICIENT CRIMINAL INTENT.**—We now enter upon a more direct consideration of the elementary common law principles of our criminal jurisprudence. Let us here remember, what was shown at large in our introductory chapter, that law and punishment, in the broader, as well as narrower, sense of these terms, are inseparable; that they are a sort of atmosphere, penetrating and filling all human society, without which it cannot exist; that the judicial tribunals take cognizance of only a part of the law which really pervades the community, though the word, in legal writings is commonly used in the limited sense as referring to no more than such part; that one object of juridical investigations is to ascertain where lies the boundary which separates this part from the other; that when this part is separated it is itself subdivided into civil and criminal, the latter being the portion allotted to us in these commentaries; and that, therefore, our present labors, to a great degree, must be to distinguish, first, such laws as courts administer from such as they do not; and, secondly, such as belong to the criminal department from those which belong to the civil.

Criminal law relates only to crime. All crime exists, primarily, in the mind. Neither in philosophical speculation, nor in

religious or moral sentiment, would any people in any age allow, that a man should be deemed guilty, unless his mind were so. It is therefore a principle of our legal system, as probably of every other, that the essence of an offence is the wrongful intent, without which it cannot exist. We find this doctrine laid down not only in the adjudged cases, but in various ancient maxims, such as:—“*Actus non facit reum nisi mens sit rea*; the act itself does not make a man guilty unless his intention were so.” “*Actus me invito factus, non est meus actus*; an act done by me, against my will, is not my act;” and the like. In this particular, criminal jurisprudence differs from civil.

We would refer our readers to the advertisement of the work of R. A. HARRISON, Esq., on the New Common Law Procedure Act.

## APPOINTMENTS TO OFFICE, &c.

### COUNTY COURT JUDGES.

HERVEY W. PRICE, Esquire, to be Judge of the County and Surrogate Courts in the County of Welland.—[Gazetted 10th May, 1856.]

### SHERIFFS.

JOHN McEWAN, Esquire, to be Sheriff of the County of Essex, in the place of William D. Bab, Esquire.—[Gazetted 10th May, 1856.]

ROBERT HOBSON, Esquire, to be Sheriff of the County of Welland.—[Gazetted 10th May, 1856.]

### CLERK OF THE PEACE.

LORENZO D. RAYMOND, Esq., to be Clerk of the Peace for the County of Welland.—[Gazetted 10th May, 1856.]

### CLERK OF THE COUNTY COURT.

NATHANIEL T. FINCH, Esquire, to be Clerk of the County Court for the County of Welland.—[Gazetted 10th May, 1856.]

### REGISTRAR OF SURROGATE COURT.

DEXTER D'EVERADO, Esquire, to be Registrar of the Surrogate Court for the County of Welland.—[Gazetted 10th May, 1856.]

### CORONERS.

HORATIO WILLSON, ROBERT YOUNG, JOHN RANNIE, JOHN MOORE, HENRY ROLLS, M.D., ZENAS FELL, HENRY KALAH, WILLIAM A. BALD, GAVIN ROBERTSON, WILLIAM MELLANBY, PETER GIBBON, JOHN CRONYN, M.D., ALEXANDER B. CHAPMAN, and JOHN GRANT, Esquires, to be Coroners of the County of Welland.—[Gazetted 17th May, 1856.]

### ASSOCIATE CORONERS.

PETER H. CLARK, Esquire, M.D., to be an Associate Coroner for the United Counties of Peterborough and Victoria.—[Gazetted 17th May, 1856.]

ROBERT DOUGLAS, Esquire, M.D., to be an Associate Coroner for the County of Haldimand.—[Gazetted 17th May, 1856.]

THOMAS EATON, WILLIAM SMITH, and ROBERT MCGEE, Esquires, to be Associate Coroners for the United Counties of Leeds & Grenville.—[Gazetted 17th May, 1856.]

JAMES RICHARDSON BRYANT, JOSEPH DAVIDSON, GEORGE SEXTON, PATRICK DALEY, JAMES SPROUL, JOHN McNALLY, junior, THOMAS MERRILL, JEMIEL CLARKE, JOHN COWDY, and JAMES HARDING, Esquires, to be Associate Coroners for the United Counties of Frontenac, Lennox and Addington.—[Gazetted 23rd May, 1856.]

ABRAHAM VAN VLECK PRUYN, M.D., SAMUEL SHELLY WALBRIDGE, RICHARD MORDEN, and LEWIS HUGDEN, Esquires, to be Associate Coroners for the County of Prince Edward.—[Gazetted 23rd May, 1856.]

HORACE GROSS, JOHN B. YOUNG, PETER MACPHERSON, WILLIAM JAMES McANLEY, JAMES C. HOWELL, JOHN CIVITER, WILLIAM EASTON, NELSON INGERSOLL, THOMAS D. BOUCHER, and SIMON DAVIDSON, Esquires, to be Associate Coroners for the United Counties of Northumberland and Durham.—[Gazetted 31st May, 1856.]

GEORGE S. HEROD, Esquire, to be an Associate Coroner for the County of Wellington.—[Gazetted 7th June, 1856.]

### NOTARIES PUBLIC.

WILLIAM WILLIAMS, of Hampton, Township of Darlington, Gentleman, to be a Notary Public in U. C.—[Gazetted 17th May, 1856.]

ALLEN A. DOUGALL, of Belleville, Esquire, Barrister-at-Law, to be a Notary Public in U. C.—[Gazetted 23rd May, 1856.]

ARTHUR MACDONALD, of Cobourg, Gentleman, to be a Notary Public in U. C.—[Gazetted 31st May, 1856.]

JOHN BREAKENRIDGE GLASFORD, of Toronto, Esquire, Attorney-at-Law, to be a Notary Public in U. C.—[Gazetted 7th June, 1856.]