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*THE CRIMINAL LAW AMENDMENT BILL.*

The Criminal Code, representing, in a concrete state, the wisdom and experience of many centuries and of many wise judges and law makers, should not be lightly interfered with by parliament. Nothing is more dangerous to the person or property than uncertainty in the law. The changing of well established legislation to meet some isolated case of supposed injustice, which may, after all, be more imaginary than real, the amendment of procedure, or a change in principle, is a serious matter, and ought not to be consummated without the greatest care.

Mr. Britton, M.P., the mover of a Bill now before Parliament to amend the Criminal Law, is so conscious of this that he has taken the wise precaution of submitting his Bill for suggestions as to the necessity and feasibility of his proposed amendments. As it is the duty of every citizen to aid in enforcing the law, more especially such an important Act as the Criminal Code, so it is equally his duty and privilege to contribute of his knowledge and experience, however humble, to the making of the law. The editors of this journal having asked for my views, I have no hesitation in giving them, trusting that they may be of some use in considering the very radical changes proposed.

Looking at the Bill from the standpoint of a Crown prosecutor of some experience, and as counsel somewhat familiar with defences under the old law as well as under the Code, I shall endeavour to state briefly wherein the objections to the amendments consist, keeping in mind the two great tests—1. Is the proposal just? and, 2. Is it workable?

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Section 8 relating to the reading at the trial of depositions taken at the preliminary enquiry, where the witness is dead, or unable to attend the trial, or absent from Canada, retains its original unfair and objectionable features. I pointed out in a previous issue of the current volume of this (*ante* p. 213) what I think are good reasons against the use of depositions taken in long-hand. If the draftsman of the Bill in question would spend a morning in the police court in Toronto, and hear the evidence there given, and then subsequently read what purports to be the statements made by witnesses, he would be one of the first to amend the Code by repealing the section entirely. If he is