

for a change in that direction, and modern legislation has led up to it. Let me take a brief review.

The conduct of criminal prosecutions in the Province of Upper Canada was in a very unsatisfactory condition for many years previous to 1857. In the early settlement of the Province offences of a serious character were rare, the counties few in number and the law officers of the Crown—the Attorney and Solicitor-General—were able to give personal attention to the conduct of cases at the Assizes, usually two in the year, the sittings of these courts being regulated by the judges, and following each other at such intervals as enabled this to be done. But it was not so in courts of General Sessions of the Peace; these courts were held four times in the year, at periods appointed by statute. The great bulk of the criminal prosecutions in the Province was in these courts, and these prosecutions were left to take care of themselves, or, what was still more objectionable, left to the conduct and control of private individual prosecutors, who engaged counsel to conduct them. In process of time, owing to a rapidly increasing population and other circumstances not necessary to advert to, the volume of criminal cases largely increased, and the law officers of the Crown, members of the Government, necessarily engaged in many other duties, could rarely attend the Courts of Assize; the number of counties also increased, and with this came added courts, so that it was quite impossible for the Attorney and Solicitor-General to give personal attendance except at courts at the seat of Government, or, in exceptional cases, at the Courts of Assize in other parts of the Province, and the practice arose for the Attorney-General to commit the Crown business to members of the Bar selected by them, who acted for them at the Courts of Assize—more recently, to leave the business to the local Crown Attorney, though that, I believe, has been rarely done. A constant change in Crown officers was inevitable, and could scarcely conduce to efficiency or gender a full sense of the responsibilities of the position—the appointments being only *ad hoc*.

The Court of Quarter Sessions, with a greatly increased business in number and importance of cases, remained as before—

prosecutions controlled by individuals or left entirely to the courts. This condition, in a matter so important as the administration of the criminal law, was calculated to cast discredit on the law and its administration, and there were, in fact, many instances of gross failures of justice from the imperfect presentation of cases, or partial or personal feeling or prejudice entering into a prosecution. Complaints became numerous and serious of the evils generated under such system.

In 1855 I remember a series of articles appeared in the only law periodical then published in the country; and, indicating public opinion, were supposed to some extent to have stimulated the legislative action which shortly after took place—the passing of the law which has survived in all its integrity the love of change, not an inconspicuous feature in modern legislation. I refer to the County Crown Attorneys Act, the work of the right hon. gentleman, now the First Minister of the Crown in Canada. That Act was passed in the year 1857, and is one of the best and most valuable of the many statutes effecting reform in law procedure which Sir John Macdonald has placed on the Statute Book. In one of the articles I refer to, setting out with the proposition that counsel acting for and commissioned by the Crown was essential to the due administration of justice in all the criminal courts, and called for with a view to the more efficient restraint and punishment of crime, and moreover that aided by public prosecutors the business of the Courts of Assize would be on a better, safer and more economical footing, it was urged:

“If it be necessary that a Crown counsel should conduct the criminal business of the Court of Assize (and that it is necessary no one denies), is it not equally necessary that there should be such an officer for a like purpose at the Quarter Sessions? Both are courts having criminal jurisdiction, with similar powers for the punishment of offenders; if the Courts of Assize can sentence to hard labor in the common gaol, or to long imprisonment in the penitentiary, so can the Courts of Quarter Sessions. A judgment of the Court of Assize affects liberty and character (comprehending the interests of many—wife, children, relatives, &c.), in no greater degree than would a judgment of the Quarter Sessions. Are the cases at the Sessions few and insignificant? No; these courts sit four times in the year (the Courts of Assize sit only twice) and dispose of more cases than the Superior Courts; and, if we leave out capital felonies and some few offences excepted from the jurisdiction of the Quarter Sessions, the description of cases in both courts is the same. Do the judges of Assize need the assistance of counsel more than the