

CRIMINAL LAW CONSOLIDATION.

DIARY FOR MARCH.

1. Tues. *St. David. Shrove Tuesday.* Sub-Treasurer of school moneys to report to County Auditors.
2. Wed. *Ash Wednesday.*
6. SUN. *1st Sunday in Lent.*
8. Tues. General Sessions and County Court Sittings County York
13. SUN. *2nd Sunday in Lent.*
17. Thur. *St. Patrick's Day.*
20. SUN. *3rd Sunday in Lent.*
25. Fri. *Lady Day.*
27. SUN. *4th Sunday in Lent.*

THE

Canada Law Journal.

CRIMINAL LAW CONSOLIDATION.

A good work was done last Session by the Minister of Justice in placing on the Statute Book of the Dominion a series of Acts assimilating and consolidating with valuable amendments the whole body of the Criminal Law. Something was accomplished the previous Session, and something yet remains to be done in respect to minor outlying enactments to make a perfect whole, but we can even now boast of a more complete consolidation than they have in England, and we refer to cap. 29 of 32 & 33 Vic., "An Act respecting procedure in Criminal cases and other matters relating to Criminal Law," in proof of the assertion. All the leading acts are founded on the Consolidated Criminal Statutes passed in England as models, with such alterations and modifications as were required to suit these enactments to the condition of Canada, and such as were necessary to suit the tribunals and mode of procedure in courts of the several Provinces.

These measures were all prepared after the most careful consideration by the Minister of Justice and upon conference with leading jurists and public men from the several Provinces, and were put into shape under the direction of the Minister of Justice by that very able lawyer and most experienced legal draftsman Mr. Wicksteed, the Law Clerk of the House of Commons, assisted by the Deputy Minister of Justice. Other able and experienced men, on the Bench and at the Bar, are understood to have given their advice and assistance. Indeed nothing was left undone by the Minister of Justice to secure to the Dominion a valuable and complete code of Criminal Law.

The bills were introduced in the Session of 1868 and passed the House of Commons, but owing to influences that ought not to have prevailed with any man in a matter of science, the bills were for the most part thrown over till last Session. Although great disappointment was felt at the time, the postponement had this good effect, that the bills were all again gone over by the Minister of Justice with the most searching care to discover any error and test their correctness and completeness in every particular. The bills thus prepared, matured and perfected, finally became law and came into force on the 1st day of January last.

As already observed, the standard for most of them is the English Criminal Law Consolidation, and the value and importance of this is obvious to every professional man, and indeed must be so to any intelligent person who takes the trouble to consider the subject. Such a course opens to us at once the whole of the English cases decided on these Statutes, and the learned light they cast upon the enactments will be of the greatest possible value in assisting the numerous tribunals throughout the Dominion in determining any question that may arise upon our own enactments.

We are led to make these remarks by seeing the notices given by members for amendments to the Criminal Law—laws just come into force, and we cannot but think that any attempt to alter a code only just completed, and before even a single assize has past or sittings of the Court of Sessions taken place, untimely and uncalled for. If any positive error has been discovered let it be pointed out to the Minister of Justice, and let him, as the responsible Minister, amend it. But for independent members who have not had the whole system in view to be allowed to cut and hack at a bit here and a bit there because they may deem, or their constituents may deem some alteration expedient or necessary, is not defensible on any ground, and we trust it will not be allowed. If for no other reason the move is premature, and if the door be once opened to a "tinkering" legislature, the value of the consolidation will soon be lost. We trust that the House, in the public interest, will repress those adventurous members who endeavour to make up in courage what they lack in knowledge, training and experience.