A grave and important question was lately submitted for decision to the Supreme Court of Illinois. In a trial for larceny, the judge limited the counsel on both sides to the space of five minutes for their respective arguments to the jury. The Court above, on error being brought, held that this was an unreasonably short time, and that the counsel for the prisoner was quite justified in declining to make any attempt to address the jury. The verdict was consequently reversed, and the cause remanded for a new trial: *White* v. *The People*, 8 Central Law Journal, p. 273.

PRIVATE RIGHTS AS AGAINST PUBLIC WRONGS.

Where a crime has been committed detrimental to the commonwealth, it is the duty of every man to prosecute, appear against, and bring the offender to justice. A prosecution for such a crime is a proceeding for the benefit of the public. Till the rights of the public have been vindicated by a prosecution for the public offence, the law does not recognise the rights of any individual particularly injured by the commission of the crime. No agreement or compromise between such an individual and the culprit, which involves the abandonment of criminal proceedings, is valid; nor can any such agreement form the basis of a civil action. In every case wherein an offence of a public nature has been committed, any agreement to abstain from instituting a prosecution in respect of it, or to forbear proceeding with a prosecution already begun is illegal, and contrary to public policy. In *Williams* v. *Bayley*, L. R. 1 H. L. 220; the law is admirably stated by Lord Westbury. "You shall not make a trade of a felony. If you are aware that a crime has been committed you shall not convert that crime into a source of profit or benefit to yourself. If men were permitted to trade upon the knowledge of a crime and to convert their privity to that crime into an occasion of advantage, no doubt a great legal and moral offence would be committed. That is what the old rule of law intended to convey when it embodied the principle under words which have now passed somewhat into desuetude, namely *misprision of felony*."

The Courts uniformly refuse to entertain cases based on agreements, the consideration for which, in whole or in part, appears to be the stifling of a prosecution for an offence of a public nature. It is not essential to induce the Court to hold its hand that a crime should have been incontestably committed—it is enough if the acts and conduct of the parties indicate that each of them has been acting on the assumption that a crime had been, in fact, committed. In such a case, the persons so dealing would be held estopped from alleging the contrary of that which was the foundation of the bargain: *per Palles*, C. B., in *Rourke* v. *Mealy*, L. R. Ir. 4 C. L. D. 166.

The result is more difficult of attainment where it appears uncertain whether or not an offence of a public nature had been committed. But if there are reasonable grounds for suspecting the fact of the crime, then the better opinion seems to be that, inasmuch as the public have an interest in ascertaining the truth and in having the accused person (if guilty) brought to trial, any agreement to abstain from prosecuting would be illegal: *per Coltman, J.*, in *Ward* v. *Lloyd*: 6 Man. & Gr. 789.

If a prosecution has been in fact instituted, any bargain for money or other consideration to end it is illegal; apart from the question whether a crime has been or has not been committed, and apart also from the question of the exis-