

the fullest information with respect to the prisoner, his antecedents, and his recent mode of life. I believe it to be quite impossible to reproduce in a Court of Appeal what I may call the atmosphere of that Court. If it should be thought desirable, let the Home Secretary have increased facilities for consulting the judges of the King's Bench Division. I shall not say one single word against that, but I do seriously say that this is a matter which scarcely merits or renders necessary the proposed amendment of the law.

The case must be made out for these changes. I am sure that my noble and learned friend on the Woolsack will not suggest that your Lordships ought to make this great change in the law merely on his ipse dixit or on the statement that it is the Bill of His Majesty's Government. It is only a compliment to my noble and learned friend to say that his lot has fallen in pleasanter places than in the criminal Courts, but I support myself by what I know to be the opinion of my noble and learned friend Lord Halsbury, than whom there is no one in this country whose opinion on a matter of criminal law is entitled to greater weight. The views I have expressed are entertained by all my brethren in the King's Bench, who daily throughout the whole course of the year administer the criminal law, and your Lordships know from the public press that they are the views largely shared by recorders, who have a very large share in the administration of the criminal law and are very learned and experienced men, and also by chairmen of quarter sessions, many of whom have had long practical experience of this question.

The certainty, the expedition, and, above all, the justice of our criminal procedure has been the admiration of jurists of all civilized nations; but the bedrock and foundation of that system is the recognized duty of the prosecutor to make out his case upon the facts so as to satisfy a jury, and that from the verdict of that jury there is no appeal on questions of fact. This Bill undermines that principle. In my opinion it will lead juries in cases of doubt to shelter themselves under the authority of a Court of Appeal, and that will involve the greatest danger to an innocent person which no safeguard in the Bill can diminish. I