

THE LAW REPORTER.

JOURNAL DE JURISPRUDENCE.

CRIMINAL LAW.

We are always disposed to look with favor on amendments, or what purport to be so, when applied to any system that is palpably faulty; but not so when it is proposed to interfere with the working of an institution so nearly perfect as our criminal law. We are ready to admit that the great English Law Reformers have done something to simplify criminal procedure, and the humble imitation now before us, in the former of these Bills,* we admit, follows pretty much their example; but we are disposed to doubt whether the advantages gained by this simplification will compensate for the risk of the change. In defence of Lord Campbell's last Act, (14 & 15 V. c. 100,) it is contended† that from the technicalities required under the old system, it was not uncommon for a guilty person to escape, and that a new trial did not always ensure conviction. This we admit, but it is also true that all the technicalities of the old system were not always sufficient to secure the innocent from an incorrect verdict. We can readily believe that Lord Campbell's act has not decreased convictions; but until we are convinced that some system has been discovered so perfect that no innocent man can ever escape and no guilty one ever be punished, as a sturdy old veteran, who had unbounded faith in all military institutions, once informed us was the case in Courts Martial, we shall not be disposed to look with much favor on such modifications as those proposed by Mr. Cameron.

But however popular may be this pretended reform, there is one section of this Bill, which we should think would hardly meet with much sympathy. We allude to the 38th Section, by which it is proposed to enact that "any person being one of Her Majesty's Counsel, learned in the law *in this Province*, may be an associate Justice of any such Court (Courts of Assize and Nisi Prius, Oyer, Terminer and General Gaol Delivery, sitting in Upper Canada) for the despatch of civil and criminal business at any county or place, or upon any Circuit in Upper Canada, and any such person shall and may be, and act as a Judge of such Courts, as fully, to all intents and purposes, as if he were duly commissioned as one of Her Majesty's Judges of the said Superior Courts."

* Bill to amend the Criminal Law of this Province. *Hon. J. H. Cameron.*

Acte pour amender et consolider les lois relatives aux crimes de faux et de supposition de nom. Mr. Felton.

† V. Preface to Lord Campbell's Acts, by *C. S. Greaves, Esq., Q. C., London,* 1851.