

cases, and before passing sentence upon the prisoner the same questions will be asked as in other criminal courts, and if the prisoner has anything to urge why judgment should be arrested, or why sentence should not be passed, it is to be heard and determined by the court. None but Barristers-at-law will be heard as counsel.

This, in very brief outline, is a summary of the constitution of the court and its procedure. We have heard objections to this new law by some "that the power is too large to be vested in a single individual." As regards the *law* in each case the judge has no greater or larger powers than the judge acting at the "Sessions" or "Assizes;" but in being sole judge of the *facts*, and substituting the judge for a jury, his powers are certainly new. No doubt the step is a bold and decided one, but it is offered as an effort in the way of rendering justice more expedient and satisfactory to the public at large. As such, we accept it, and believe, with proper care in administration, the new courts will be a great improvement in the criminal law of the country. We have heard again that certain of the judges shrink from the work as an unpleasant and painful task, but it is now a *duty* on their part to do all in their power to give beneficial effect to the law, and if only zeal and courage with discretion be brought to the work, the new law must be a success; and we argue most favorably from the fact that the judges, one and all, have joined with such harmony towards a settled procedure.

It was the saying of a profound thinker, that, in respect to alterations in the law, "it is good not to try experiments except the necessity be urgent or the utility evident." We agree in this, and will call attention to a few matters showing, we think, conclusively that some change was called for, and that the substitute for the old procedure is vastly superior to the latter, and more calculated to render, in the language of the Attorney-General, "the administration of criminal justice more expedient and satisfactory."

Who will not admit that it is a matter of high concern that persons in prison should be speedily tried; if innocent, they have the earliest opportunity for showing it; if guilty, their prompt punishment is secured, a matter of almost equal importance. If the offence be trifling, the time of imprisonment between committal and trial will often be a far greater

punishment than the offence calls for. Imprisonment in a common gaol, it will also be admitted, is calculated to injure and deteriorate the position and character of any man, whether he be innocent or whether about to enter on the career of crime; and with the young, the associations of a prison are commonly productive of the most disastrous results, for young persons are brought, it may be for the first time, in contact with criminals and tainted with intercourse with them, or the vicious youth becomes hardened in vice by association with old criminals, or criminals more hardened than himself.

The expense of supporting persons in the common gaols is very great, and is borne by the localities, and it was impossible to guard against lengthened imprisonment without trial, while persons charged with crime could only be tried at the regular courts.

All these manifest evils—too manifest to need more than naming to shew that some remedy was necessary—the act under consideration is well calculated to remedy. Take the case of an innocent person committed for trial after the close of a criminal court. He might under the old law, however ready and anxious for trial, be obliged to remain in gaol some four months before being tried; now he can within a few days be tried before the County Judges' criminal court, and have the opportunity of at once establishing his innocence. As to the nature of the tribunal, what intelligent man, conscious of innocence, would not prefer being tried before an educated man, trained to the investigation of facts and above the reach of irregular influences rather than by a number of men, taken from the general community, utterly unacquainted with the investigation of facts, and with but little scope for the exercise of their reasoning powers.

Again, a trifling larceny or other offence is committed. The party arrested is perhaps unable to procure bail (as must often be the case in a moving population, or when it is recruited by emigration), and has to undergo months of imprisonment when probably his sentence would be only for a few days. We know of many instances of cruel hardships in cases of this kind without any means of relief. Under the present law it is quite possible that the prisoner can be tried and sentenced to appropriate punishment within forty-eight hours after his commitment. We need not enlarge