

THE NEW COUNTY JUDGES' CRIMINAL COURTS.]

for the purpose) he informs the judge, and an order is at once issued, and under it the prisoner is brought before the judge in court. A formal accusation in the nature of an indictment describing the offence (prepared in the meantime by the public prosecutor from the depositions, &c.) is then read to the prisoner by the judge, as the charge against him. The prisoner is then informed by the judge that he has the option of being forthwith tried by the judge without the intervention of a jury, or remaining untried till the next Court of General Session of the Peace, or Oyer and Terminer. If the prisoner, as he has a right to do, declines the jurisdiction and demands a jury, he is remanded to gaol. If he consents to be tried by the judge, he is at once arraigned and called upon to plead to the accusation. If the prisoner pleads "guilty," sentence is at once passed. If his plea be "not guilty," his trial is at once proceeded with, if the crown and prisoner are both ready, or if not ready, the proceedings are adjourned to an early day. On that day the trial is entered upon, but may be further adjourned in the discretion of the judge for the purpose of completing the evidence for the crown, that is, before the prisoner has gone into his evidence; or to enable the prisoner to produce other and further evidence, of which he was not aware at the time he entered on his defence, as being material thereto. The rule as to the other proceedings and as to evidence at the trial is the same as in ordinary 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. . . . 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 expeditious and satisfactory."

Who would 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,