

be made for special services, for consultations, etc. If this scheme were adopted, Crown Counsel would go into court with his briefs thoroughly prepared. Good men could always be obtained to act as Counsel, and the conducting of Crown prosecutions could be raised to a very high standard.

As things are now, it does not pay a Counsel of any eminence to engage in Crown work. Take an assize where there are perhaps two criminal cases. The first day is generally lost in examining witnesses, and in consultation with the local Crown officer; perhaps the whole of the second day is taken up with the finding of the bills by the Grand Jury. A long civil case in the meantime intervenes, and counsel is detained until the end of the third or fourth day before he is able to dispose of the Crown business, and for this he receives less than a taxable fee on a civil brief for a few hours, unless one of the cases happens to be the charge of murder. Out of this sum he has to pay his expenses, the result being that he is practically out of pocket by the transaction. We believe that it is a fact that retainers by the Crown are refused from time to time on the ground of prior engagements, which shows that one civil brief at a contemporaneous assize pays better than the whole Crown business at another put together.

There is another feature to be considered in this connection. Whilst the Crown officer is a prosecutor, he is supposed to be semi-judicial in his capacity, and to be in a position to render valuable assistance to the court in determining the guilt of the accused. Under the present system, unless in exceptional cases, the Crown officer can be of very little aid to the trial judge, and we have no doubt that if the judges felt themselves at liberty to express their views, they would concur in what we say in reference to this point.

Coming to the second consideration, we would suggest that Crown Counsel, appointed permanently by the Government, should take the place of grand juries. As we have said, the public have, irrespective of political feeling, full confidence in the present Government that they would make good and careful appointments in this respect. Apart from the integrity and conspicuous ability of the Attorney-General, already referred to, upon whom would mainly fall the responsibility of making the appointments, he would, we are satisfied, be honestly and wisely aided in his selection by the very able men who, amongst his colleagues, are members of the same profession. No one knows better than they do the wants and necessities of the profession, and few men have had the experience they have gained, which is necessary to a wise and prudent choice of men to fill the important position of Crown Counsel. If these gentlemen adopt our suggestion, they will have, we believe, a system of administering justice not excelled in any other country, and the result will be that the Grand Jury will be found to be a needless ornament in the constitution of our courts. There are many reasons to be advanced in favor of our contention. We are disposed to think that the change we suggest would give an efficient and experienced body of Crown prosecutors. These officers would acquire a knowledge of their duty and of the cases before them which they cannot have under the present system, no matter how able or distinguished they may be. There would be no local influences at work in preferring a bill or preventing the presentment of an indictment in a proper case.