

DIARY FOR MARCH.

1. Tuesday } Chancery Ex. Term, Hamilton and Ottawa, com. Last day for
 (return of Collector a Rolls where time extended by Mun Council.)
 3. Thursday... Last day for notice of Trial for County Court.
 5. Saturday... Chancery Examination Term, Hamilton and Ottawa, ends.
 6. SUNDAY... *Quinquagesima.*
 8. Tuesday.... } Shrove Tuesday. Chancery Exam. Term, Barrie and Cornwall,
 (commences. Quarter Sess. in each Co. and County Ct. sittings.)
 9. Wednesday Ash Wednesday.
 12. Saturday... Chancery Examination Term, Barrie and Cornwall, ends.
 13. SUNDAY.. 1st Sunday in Lent.
 15. Tuesday... Last day for service of Writ for Toronto Spring Assizes.
 20. SUNDAY.. 2nd Sunday in Lent.
 25. Friday..... Last day for declaring for Toronto Spring Assizes.
 27. SUNDAY.. 3rd Sunday in Lent.
 28. Monday..... Last day for notice of Hearing, Chancery.

"TO CORRESPONDENTS."—See Last Page.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Patton & Ardagh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be swayed for their subscriptions

The Upper Canada Law Journal.

MARCH, 1859.

COUNTY CROWN ATTORNEYS.

On all sides we learn that the appointment of County Crown Attorneys, or local Crown officers, is proving a public benefit.

Crime is an injury to the public, and its prevention an object of public importance.

This being the case, a due regard to the machinery used for the prevention of crime is an object of national importance. The law attaches certain punishments to certain offences, and courts are constituted for the trial of offences, but a superintending power is required, not only to see that the guilty are punished, but that the innocent are not punished as guilty.

The name of the Queen has we fear been too often invoked for the gratification of malice or the indulgence of private feelings of the worst kind. Oppression there has been in the name and dignity of a public prosecution, and all for the gratification of spite. This brings us to the fact that a controlling power is requisite, as much for the institution of criminal procedure as for watching it when instituted.

In different countries, though different machinery exists, the effect is substantially the same. In Ireland, in each county a local Crown Solicitor is appointed; his salary is small; his duty is, among other things, to conduct at Quarter Sessions prosecutions cognizable by that Court. At the Assizes the Crown business is also, we believe, entrusted to Crown Solicitors and Crown Counsel—the

former being paid by salary and the latter by fees. In Scotland, private prosecutions are almost unknown to the law. Attached to every Sheriff's Court there is an officer called the Procurator Fiscal, whose duty it is to attend to public prosecutions, and whose remuneration is by fees; among other duties he is required to receive information of offences, to prosecute suspected persons before a magistrate, and to arrange if necessary for prosecution before a higher tribunal; in the latter case the whole of the evidence is reported to the Crown Counsel in Edinburgh, by whom all further proceedings are conducted. At the head of the Crown Counsel is the Lord Advocate, or supreme public accuser.

The system in France partakes more or less of each of the foregoing. The chief public prosecutor is the Procureur General or Attorney General; under him there are avocats genereaux, or deputies. Attached to tribunals of simple police there are officers called commissaries of police. The great difference between the French, the Scotch, and the Irish organizations is this, that in France whenever the public prosecutor becomes aware of a crime he is bound to bring the offender to justice, but in Scotland and Ireland a discretion may be exercised.

Our reference to the systems prevailing in European countries makes prominent one feature on which a difference of opinion exists, and that is the mode of remuneration, whether by fixed salary or by fees. When payment is certain the temptation to neglect is great, but when payment is made to depend on the number of cases disposed of or amount of work done, the temptation to the prosecution of trifling offences is also great; each mode may be attended with evils, and neither is wholly free from objection.

It only remains for us to glance at the system prevailing in Upper Canada, and to see how far it stands comparison with the systems we have noticed.

The public prosecutor here is the Attorney General. As he cannot be present everywhere at the same time, and as Courts of Oyer and Terminer are opened in several places on the same day, he has the appointment of substitutes, or Crown Counsel. These counsel are not salaried officers, but paid by fees; nor are they permanent officers, but appointed *pro hac vice*. In each county there is now a County Crown Attorney; he is subject to the Attorney General, and is in fact his local representative. His duties are manifold; such as to receive informations, depositions, &c.; to examine the same; to prosecute at Courts of Quarter Sessions; to watch private prosecutions at the Sessions; to assist, if required, the Crown Counsel at Courts of Oyer and Terminer; and in the absence of Crown Counsel to conduct the Crown business at the Assizes; to institute and conduct certain proceedings be-