

JUSTICES OF THE PEACE AND POLICE MAGISTRATES.

BENCH AND BAR.

It is not undesirable to call attention from time to time to the legal action that members of the profession are in a sense officers of the courts in which they plead or practise. In no better way can the dignity of the courts or the proper administration of justice be upheld than by barristers and solicitors putting this theory into practice. Our namesake in England thus refers to some incidents related to this subject:—

“The reputation of the bar in England, Ireland and Scotland is affected by its degradation in any one of the sister countries, in each of which a similar organization and the same principles of professional conduct prevail. The legal profession in England cannot be indifferent to such spectacles as that presented in the coroner's court at Mitchelstown. A barrister in such a court is more than ordinarily on his honour in point of forbearance and candour because the court has imperfect powers of controlling him and the judge has frequently no great forensic experience; but we find at Mitchelstown the words ‘scoundrel, villain, ruffian, and murderer,’ addressed to a witness. The processes of intimidation perfected outside are brought into courts of law, and the barrister, an officer of justice, is made the instrument of frightening or attempting to frighten witnesses from speaking the truth, which it is his duty to ensure that they shall speak. The English bar is not altogether blameless in this matter. Topics are sometimes introduced in cross-examination, the only object of which is to give pain and obstruct justice; but the profession on this side of the Channel cannot but view with concern the prospect of the wig and gown in another part of the United Kingdom being used to cover the purposes of a political organization, of whatever colour it may be.

JUSTICES OF THE PEACE AND POLICE MAGISTRATES.

A CASE of some interest to the public, and to those concerned in the administration of justice, has recently been decided by the Judge of the County Court of York.

It is provided by the Revised Statutes of Ontario, cap. 72, sec. 6, that no Justice of the Peace shall act in cities and towns where there is a Police Magistrate, except during the absence or illness of such Police Magistrate or without his written request. During the absence of the Police Magistrate of the city of Toronto a woman named Seymour was charged with keeping a house of ill-fame, and was tried before two Justices of the Peace for the city, convicted and sentenced to six months in the Mercer Reformatory. From this decision the prisoner appealed to the General Sessions of the Peace. The appeal was heard before His Honor Judge McDougall and a jury. The jury confirmed the conviction, but the learned judge reserved sentence to consider points of law which had been raised by the prisoner's counsel. At the close of the case for the prosecution, counsel for the prisoner asked that the conviction should be quashed without going to the jury, on the grounds

1st. That there was a Police Magistrate for the city of Toronto.

2nd. That it did not appear upon the information, conviction or evidence that the Police Magistrate of the city of Toronto was ill or absent, or that the convicting justices were acting on his written request.

3rd. That the conviction could not be amended by inserting the fact that the Police Magistrate was absent.

The learned judge held that the objections were well taken and discharged the prisoner, quashing the conviction, but not giving costs to the prisoner on account of