Summary of Conclusions.

(1) That it would be much more convenient to the small holders of land to have 163 local registries of land, at each union centre in Ireland, instead of 32 only, at each county town.

(2) That on the plan of paying bankers a commission for managing the local registry, like the transfer of government stock, it would not cost more to have 163 registrars than 32.

(3) That the system of bank management of local registers of land, to the same extent that ships registries are managed by Custom House clerks, would not interfere with the conferring on the local courts, and land court, the jurisdictions of authorising first entry of estates on local registers, and determining legal questions connected with registration.

(4) That it is a serious evil that the incomplete reform of the office of Clerk of the Crown and Peace should prevent the localization of the bankruptcy jurisdiction, so as to confer it on each county court, in the way that has long prevailed in Scotland, that has prevailed in England since 1861, and prevailed in Ireland as to insolvency before the Debtor Act, 1872.

(5) That, for the complete reform of the county offices, it is desirable that the office of sub-sheriff should be made permanent, as in Scotland, and the district registrars of the Court of Probate united, as in Scotland, with the consolidated local offices in each county and riding.

VIII.—*The Cost of Adopting a Complete System of Public Prosecution in England, as illustrated by the results of the working of the Scotch and Irish Systems of Public Prosecution.* By W. Neilson Hancock, LL.D.*

[Read at the Section of Economic Science and Statistics of the British Association, at Plymouth, August, 1877.]

THERE are many indications that the extension to England of the system of Public Prosecution which has so long existed both in Scotland and Ireland is only a question of time. This assimilation of the laws of the United Kingdom was recommended by a Royal Commission so far back as 1844; it was recommended by a Parliamentary Committee in 1856, and by another Committee in 1870. Bills were introduced on the subject in the sessions of 1870, 1871, and 1872, with different names on them in the several years, but including Mr. Walpole, Viscount Sandon, Mr. Russell Gurney, Mr. Vernon Harcourt, Mr. Rathbone, and Mr. Eykyn. In 1873 a Bill was introduced by the Government. As an indication of the strength of feeling entertained on the subject, I may quote a few words from Mr. Walpole's speech on the 19th of June, 1872 :—

> "It was really a disgrace—and he used the word advisedly—that England was the only country in the world where prosecutions for crime should be mostly left at the mercy of private individuals, who might or might not proceed with them as they thought fit."

* Printed at cost of author.

In the present session of Parliament, the Home Secretary, in announcing a delay in introducing a Bill upon the subject (which, however, was drawn), made the observation that a public prosecution was "an expensive luxury."

This observation seems to indicate that the question of cost is the main obstacle to the adoption of this very important reform.

In this view, a consideration of the Scotch system, where the system of a public prosecutor has been so long in successful operation, is very important.

In Scotland, a local solicitor, acting on behalf of the Crown, called there Procurator Fiscal, under the direction and control of the chief law officer, corresponding to the English or Irish Attorney-General, but there called Lord-Advocate, is responsible for the investigation of all crime.

To this local Crown Solicitor information is given by the police or private persons, and he has charge of every case from its commencement to its close.

The advantage of this for the success of public prosecutions—the purpose for which the office of public prosecutor is instituted—is obvious, but its effect on the cost of criminal proceedings is not so obvious.

(1) In all cases of crimes connected with death, the Scotch save the double preliminary examinations and double informations—in other words, the inquiry of the local Crown Solicitor into every sudden death, or death that requires to be explained, renders unnecessary coroners' inquests (an institution intended to check the compromising—by the private prosecutor—of felonies resulting in death), and they do not exist in Scotland.

Now, of the costs of criminal prosecutions in England and Wales in 1875, coroner's inquests involved a direct cost of £84,285, besides the indirect cost of double informations; the other costs of prosecutions amounted to only £140,718.

What Scotland saves by being relieved from the necessity of having coroners' inquests may be estimated at £14,000 a-year. This single saving would amount to one-half the cost of the Crown Solicitors in Scotland, sixty in number.

Their salaries are only £23,332, their other emoluments, £3,208, and their office expenses only £920; making a total of £27,960.

The Scotch system leads to another saving; the double inquiry, first before a grand jury, and then before a petit jury at assizes and quarter sessions, is obviated. The fiat of the public prosecutor is deemed sufficient to put every person (except in cases of treason) at once upon his trial. This trial takes place in Scotland before a single jury, which, as it contains a fixed proportion of special jurors, is really a grand and petit jury combined.

For this single combined jury, however, there is less number required to attend than in England, so the burden of jury attendance is diminished; then the time, and consequently the expenses to be paid to witnesses, is saved; the time of the judges and officers of the court and the prosecuting officials is also saved.

The single jury system leads to another result; the responsibility

of stopping an unnecessary prosecution is not divided between the public prosecutor and the grand jury, but in Scotland rests with the public prosecutor alone. This leads to the class of cases where bills are ignored by the grand juries in England and Ireland, being stopped in Scotland at an earlier stage by the public prosecutor, and so the expense of witnesses attending before the grand jury, and the preparation for a trial on the chance of their finding a bill, is spared.

Having said so much as to the saving which the adoption of the Scotch system, with all its consequences, would lead to, towards defraying the expenses which that system necessarily involves, I will now refer to some Irish figures. The cost of the Irish system, of the public prosecutor appearing in nearly every case, was, in 1875, £77,169, as compared with £62,025 in an equal portion of the population of England and Wales in 1874, on the English system of the public prosecutor appearing in only 230 cases, as compared with 13,529 cases, left to private prosecutors with only a proportion of the costs paid from the general taxes.

If the costs of inquests, £8,094 (which the Scotch precedent would indicate to be unnecessary on the public prosecutor system), be deducted, the true cost of the public prosecutor system in Ireland—£69,025—very slightly exceeded the cost of the English system in 1874, of which inquests, a necessary adjunct, amounted to £62,015.

The slightly greater cost of prosecutions in Ireland was far more than counterbalanced by having only 9½ instead of 14 criminals, as in England and Wales, in each 10,000 of the population, confined at the cost of the state in gaols, convict prisons, and reformatories. These institutions cost only £187,155 as compared with a cost of £239,926 in an equal portion of the English population, or £52,771 a year less.

It is right to notice that in Ireland the public prosecutor system is in one respect incomplete—the prosecution of cases of embezzlement and fraud on banks or public companies being still left to the private prosecutor, and at his own expense.*

Then again, the prosecution of fraudulent bankrupts is left to the private prosecutor, although there is a provision for getting part of the costs, if allowed by a judge, out of local rates.

Now these are a class of cases where it is of the utmost importance that the prosecution should be in public and not in private hands.

The existence of the anomaly suggests that there is some principle lying at the root of it.

Now in cases of embezzlement and frauds upon companies, there is, in the first place, a considerable amount of necessary complication and expense in most of the cases; then they arise to a very great extent from some carelessness or neglect on the part of the person defrauded, and there is a feeling that the public ought not to be put to expense for a crime that is the result of want of ordinary care and watchfulness.

This is a very good idea; but the worst way of giving effect to it is to intrust the prosecution to the private prosecutor, as this very

* In Scotland these prosecutions are undertaken by the public prosecutor.

motive, of saving an exposure of his want of care and watchfulness, may lead to a want of vigour and activity in the prosecution. The true way of giving effect to the principle thus acted upon, without surrendering the control of the prosecutions into private hands, would be to accompany the adoption of the public prosecutor system with a provision that, wherever it appeared in the course of a trial that the crime was to any considerable extent caused by the serious carelessness or misconduct of the person injured, and where, owing to the property being recovered, or other cause, they sustained no serious loss, then it should be in the discretion of the judge, on the application of the public prosecutor, to direct that the whole or any part of the costs of prosecution should be defrayed by the person on whom, on the system of private prosecution, such cost would fall.

If the public prosecutor system were extended to England with all the economies which the Scotch system suggests, and if the results were at all proportionate to the Irish system, in diminishing the criminals supported in confinement by the state, and if the cost of cases of neglect and provocation were thrown on the private persons whose conduct led to the prosecution being necessary, the extension of the system to England would not involve expense much, if at all, in excess of what is incurred upon the present complicated and defective system.

IX.—*On the Statistics of Crime arising from or connected with drunkenness, as indicating the importance of increasing the Punishment of Habitual Drunkards, and of those who seriously injure their children by what they spend on drink.* By W. Neilson Hancock, LL.D.

[Read at the Section of Economic Science and Statistics of the British Association, at Plymouth, August, 1877.]

In the discharge of my duty of reporting on criminal statistics in Ireland, some statistics have come under my notice which raise important questions as to the adequacy of the existing punishments for drunkenness. I will first take the statistics of the character of persons proceeded against on indictment and summarily :—

Men of ascertained bad character proceeded against on indictment and summarily.	Number proceeded against in one year.	Per-centage of each class to total of bad characters.
Total number, ...	14,416	100
Habitual drunkards (not included in other classes), ...	5,602	39
Suspicious characters, ...	4,785	33
Vagrants, tramps, and others, without visible means of subsistence, ...	2,995	22
Known thieves, ...	1,034	7

* Printed at cost of author.