

yourselves, by a solemn oath, to keep secret the Queen's counsel and that of your fellows. This you can scarcely do if you allow yourselves to be drawn into conversation about the matters which are to be laid before you. Sooner or later you will betray your trust, or suffer yourselves to be influenced by impressions and opinions unlawfully communicated. What you have to be mindful of, is to shun all communications with those outside of the jury-room relative to your business within its walls. I do not give you this caution to warn you against a danger to which you may be exposed, but to tell you of one which is only too real. A few months ago, in another town in this Province, one of the persons employed in the service of the Court, profiting by his position, conveyed a juryman, impaneled to try a capital felony, to an apartment distant from that of his fellows, and entertained him with drink for a considerable period of time. What passed between this unfaithful officer and the juror is only known by their own report, but the result was to disturb materially the course of justice.

In Ontario, the other day, a constable admitted having approached a juror in the interests of the accused. He was instantly, and very properly dismissed from his office. Among the bills to be submitted to you, there will be one or more charging two persons with an offence of a similar kind. It will be your duty to examine these accusations with great care and discernment, for there is nothing more justly alarming to the public mind than to have reason to believe that the administration of justice is subject to any unseen influence. In order that you may be prepared to appreciate the nature of the testimony that may be produced in support of these accusations, it is proper that I should explain to you the law on the subject.

Every attempt to suppress justice and truth, or even to delay justice is reprobated by the common law. At a very early time the more common modes of interfering with the administration of justice were prohibited by statute, and two of them, maintenance and champerty (that is the mischievous maintaining suits and dealing in suits), were specially made punishable as misdemeanours by the II H. 6.

"The particular offence which will be brought under your notice is what is called embracery. It comes under the general head of maintenance and is defined as being "an attempt to influence a jury corruptly to one side by promises, persuasions, entreaties, money, entertainment and the like." IV Blackstone, Comm. 140. On this all the authorities are agreed. It is an indictable offence at common law as all other kinds of maintenance. 2 Hawkins, P.C. 413. The same writer tells us what acts of this kind are altogether unlawful. And he says: 'It seems clear that neither the party himself, nor his counsel, nor attorney, nor any person whatsoever, can justify any indirect practices of influencing a jury, either by giving or promising them money, or men-acing them, or instructing them in the cause beforehand, &c.' Ib. 412. It is proper, however, to observe that it is not every word said to a juror relative to a suit or prosecution, which will come under the definition of embracery. And so it has been said: 'That any person who may justify any other act of maintenance, may safely labour a juror to appear and give a verdict according to his conscience, but that no other person can justify intermeddling so far,' &c. Ib. 412. Without entering into the justifications of maintenance, I may say in general terms that those are justified in maintaining suits who are interested in them.

"The first step in your examination will be to discover whether a *prima facie* case is made out, of solicitations to a juror or to jurors; the second, whether the persons accused of soliciting were interested in the proceeding, and if so, whether the solicitations were innocent in their nature,—that is, that they were no more than an invitation to be present, so that the party might have the advantage of the presence of the juror, to which he is entitled.

"There is another kind of interference which is not within the reach of the law, but which you can easily repress by a little firmness. There are many busy-bodies in the world, who, having no particular business of their own worth attending to, spend their time in meddling with matters that don't concern them, and very often with matters