

mitted to override the act. This gross failure of justice was remedied, after a fashion, by a pardon through the Home Office.

Another case I remember was an indictment against a man and woman. The jury really found, no bill against the woman, and the practice was, where two were indicted, to draw the pen through the name of the party against whom no bill was found. This, by mistake, the foreman omitted to do, and both prisoners were convicted and sentenced. The judge in that case cut the knot with courage, if not sanction of the law, and discharged the prisoner. And still another case: A prisoner had a very remarkable name, and the foreman of the Grand Jury happened to be in court when he was arraigned, and spoke up, saying: "Why we ignored that bill," and sure enough it proved to be the fact. The foreman explaining, "not because we did not think there was a case, but because he had been sufficiently punished by the imprisonment since commitment."

The cost of grand juries is considerable—from \$40,000 to \$50,000 yearly in Ontario, I would say. This would be saved were the body abolished. I am not disposed to advance the saving of money as a cogent reason in itself against the institution, but certainly an improved, a safer and more efficient system, modelled something after the Public Prosecutors in Scotland, could be obtained with a smaller outlay. If grand jurors were not required it would leave more material free, from which to select the Petit Jury, which every one will admit is the more important one of the two—the one that finally decides upon the guilt or innocence of the accused.

It has been urged that the Grand Jury system is an educator of the people, those serving as grand jurors gaining a certain knowledge of law and a right conception of its salutary influence, which they become agents in diffusing in their neighborhood, and thus inspire the public with more respect for the law and its administration. Perhaps so, and a man in a lifetime may have two or three opportunities for gaining such knowledge; but it must be homeopathic in amount, and it seems to me that an intelligent reader of one of our great dailies, which rarely fail to give full and intelligent reports of import-

ant cases, would gain much more information at his own fireside.

The Grand Jury system, I know, is regarded by some as "a great bulwark of our liberty," a representative and democratic institution. It is an ancient institution, no doubt; but I fail to see how it can deserve the name of a democratic institution—how it can represent even the county from which it comes, except by a legal fiction, and I can discern no propriety in a grand, or any other jury, fulfilling a sworn duty "in accordance with the public will." In the dark days of England's history it may have stood between the people and arbitrary power. I think Hallam mentions one case, not with approval—indeed, he rather thinks they forgot their oath; but few in the present day fear that arbitrary power will venture to raise its hand in the courts or elsewhere; and if it did the people of this country would not, I am very sure, fight behind the feeble barricade of a modern Grand Jury.

"Popular liberty" and "popular rights" are happily established in this country on a sure basis, and are understood and valued, and I must utterly deny that grand juries are in any sense or to any extent the palladium of either. Possibly this clinging to a worn-out institution grows out of the fear that the country could not supply its place, but I have all confidence that an honest and competent non-political substitute may easily be found. Why should we Canadians have any fear on this head? The history of our country has shown that the people of Canada are keenly alive to the value and importance of the due administration of justice, and prepared to uphold it—no country more so in the whole British Empire; and, I will venture to add, no place where a larger proportion of able and honest agents, fitted by professional training for administration, can be found. In the year 1877 I called public attention to some of the evils I have pointed out in the Grand Jury system, and also to facts going to show it was discredited—that even then a large number of criminal cases never came before grand juries, but were tried by a judge, without a jury, upon an act of accusation prepared by the local Crown attorneys from the depositions taken before the committing magistrates. I said: