

meanwhile? Adequate reform of the law? No! But take away the right of trial by jury, and commit to the hands of one or two magistrates both facts and law, the whole question of guilt and innocence; and so fix the fate of the accused! To the hands of what manner of magistrates? To those of judges of the rank, learning, and independence of tenure which, with whatever drawbacks, yet relatively mark the high courts of the land? No! To the hands of inferior men, called resident magistrates, not generally chosen from the ranks of the Bar, mainly taken from that very constabulary on whose practices and evidence they are called to decide, and from the military and naval services—with about the very worst kinds of training for just conclusions on such issues! What is their tenure of office? They are absolutely dependent. They are removable at the will of the Executive on payment of three months' salary, and they are besides liable to punishment and amenable to reward by transfer at pleasure to less or more eligible districts. And how do they come to take charge of any particular case? Not on a general plan or rota in discharge of their usual duty. But the Executive in each case in which it directs a Crimes Act prosecution, chooses and sends down the particular magistrate it thinks most suitable for the work in hand. And so this ex-constable, thus chosen, takes the evidence, often that of constables, mayhap of old comrades in the force, and decides the facts and the law, and gives the sentence; he is judge and jury rolled into one. And this is a country where the police are practically a military force, drilled to arms, and accustomed to arbitrary action and the free use of violence towards the people—in a country in which we know, from sad experience, that there is such a thing as police-manufactured crime and perjury, culminating in the conviction of the innocent. Now, what kinds of issues are these which are to be so decided? Are they police-court questions? Questions of a petty debt, or a common trespass, or an ordinary contract? No. They involve points of fact and law, at once of the greatest difficulty, and of the highest importance to a free people; the right of public meeting; the right of free speech; the right of a free press; most delicate points as to motive and intent, as to malice, as to the nature of admissible evidence, as to lawful or unlawful assembly, as to lawful or unlawful combination, as to criminal conspiracy; as to the limits permissible in political agitation, the point at which words or conduct transgress the permissible line, cease to be political and become criminal, the point at which one man's rights becomes another's wrongs. All these are to be decided on the facts and the law by these gentry. I say there is no class of cases which, in the interest of the State and of the individual, more urgently require than these the maintenance of those very securities which have been abolished. They suggest that there may be an appeal. We are entitled to a fair and constitutional trial, not such a trial as this, even were the finding subject to appeal. But such appeal as exists is taken, not to the High Court, but only to an inferior judiciary, far less satisfactory, in the conditions of the country, than would be the High Court. Nor does the right exist in all cases. On sentences up to a month there is no appeal.