

for additional protection when reversing, etc., would increase rather than diminish the danger. Any jurymen accepting this evidence would be wholly justified in refusing to join with the majority in a verdict of guilty.

Upon the jury, after many hours of consideration, being found in the condition mentioned, I took the verdict of "guilty" on count 6A, and discharged the jury. Considering the various counts each as a separate indictment under sec. 857 (1) of the Criminal Code, I ordered the remaining counts to be tried upon Monday the 6th February, availing myself of my powers under secs. 858 and 960 of the Code.

An application is now made for a postponement of the trial, based in part upon an affidavit that it would be impossible to obtain the necessary witnesses, and upon the ground of the inconvenience to which the defendants would be put by trial next week.

I may say at once that I am not in the least influenced by this affidavit—there is nothing to shew that the witnesses would be more available at any other time than they would be next week, or that the defendants would be more inconvenienced (even if the latter element could be considered at all). I am firmly of the opinion, formed from many years' observation and experience, that criminal law should be administered as expeditiously as civil law, if not more so; and I adhere to what is said in *Rex v. Swyryda*, 13 O.W.R. 468, at p. 475. As was said in *Re Davis and Village of Beamsville*, 2 O.W.N. at p. 425: "It is, in my view, as truly, though perhaps not so great, an injustice to delay as to refuse justice. The 'law's delays' are become a proverb, and they should be made as few and as short as possible. Magna Carta still stands as the rule for the King and the King's Justice—'Nulli vendemus, nulli negabimus aut differemus, rectum aut justiciam'—to none will we sell, to none will we deny or delay, right or justice"—and this in criminal as well as in civil cases.

But there is another consideration of very great importance. It was strenuously contended before me at the assizes that the legislature of the province has placed in the Ontario Railway and Municipal Board (by statutes 6 Edw. VII. ch. 31 and amending Acts) the exclusive jurisdiction to determine such matters as are in controversy in this proceeding—and sec. 17 (3) of the original Act of 1906, viz., 6 Edw. VII. ch. 31, is specially referred to: "The Board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by the special Act or