

HON. MR. GOWAN—I am very far from desiring any step in advance of public opinion for any measure. Perhaps in a measure affecting administration of justice merely you may go in advance of public opinion, but any measure that is strongly in advance of public opinion, in matters such as I could indicate, is in my judgment wrong, and why? Because it teaches men to violate the law with impunity, and every violation of the law with impunity is calculated to weaken the arm of constitutional authority. I do not desire anything of the kind, and I do not desire that this measure should be even introduced by the Government, unless they ascertain that the ground is properly prepared for it. If my remarks are to reach the people, and they should assist in the forming of public opinion and directing it to what I believe is good and correct, I am satisfied. I have spoken with all the fairness that I am capable of upon a subject of which I know something; and, having done so, I have accomplished my present object.

HON. MR. TRUDEL—The expression that has fallen from the leader of the Government leads me to believe that something will be done in this matter. The abolition of the Grand Jury system requires the concurrent action of the Provincial Legislatures. There is another point to which I shall take the liberty of calling the attention of the hon. gentleman. Amongst the functions of the Grand Jury, what seems to me to be a most useful one is that it is a kind of commission of general inquiry into the workings of prisons, asylums and other public institutions, in which, in my humble opinion, the usefulness of the Grand Jury is specially seen. I may say that I have listened to the remarks of the hon. gentleman from Barrie with the greatest attention. I heartily concur also in the opinion expressed by the leader of the House. In my opinion, we ought not to part hastily with established institutions that have rendered good service in the past, though it is my opinion that the Grand Jury does not fulfil the requirements of the present condition of society. As briefly remarked by the hon. gentleman from Ottawa, all human institutions are imperfect, and we should not conclude, from the fact that abuses have grown out of the Grand Jury system, that

therefore the system has no value. I have no doubt that an investigation of the records of the working of the Grand Jury in the different Provinces would discover that it has worked a great deal of mischief in its time. I recollect a case myself that had some *eclat* in Montreal at the time, which showed very plainly what abuses could be perpetrated under that system. On one occasion two very influential men were accused of a crime, and were to be indicted before the Grand Jury. It happened that their lawyer, who is a very clever man, and who, I think, was a partner of the Crown prosecutor, procured a list of the Grand Jury, interviewed them before the term, and secured in advance a presentment in favor of the accused. It happened afterwards that through the good offices of the Attorney-General the man who acted in this way, and who was accused before the criminal court for tampering with the jury, was acquitted on account of informalities in the proceedings. Of course, this may be only one of those instances where the mischief is due rather to the imperfection of human nature than to the weakness of the system. My own impression is that mischief frequently results from the working of the Grand Jury. For instance, it has happened within my own personal knowledge that persons accused, instead of having had their preliminary examination before a magistrate, were indicted before the Grand Jury, and were brought before the court even without the knowledge of the other party, and without affording the parties any opportunity, which they would have had if brought before the magistrate, to guarantee themselves against the accusation, and were obliged to go to trial; while, if the accusation had been brought before the magistrate in the first instance the suit would have been abandoned.

HON. MR. GOWAN—That was done in Sir Francis Truscott's case in England.

HON. MR. TRUDEL—With reference to the suggestion of the hon. gentleman from Barrie as to the advantage of having a Crown prosecutor—that is, an officer whose duty would be to enquire into crimes and bring such matters before the courts, without the co-operation of the private prosecutor—I agree with the hon. gentle-