

ger, but that the said the Michigan Central Railroad Company then and there omitted without lawful excuse to perform such duty."

In charging the grand jury, I directed them that if they found that the company had done all that was reasonable in the way of providing proper care and instructing the employees as to how such dangerous goods should be handled, no bill should be found against the company—that, if they found that the company had omitted any reasonable precaution, they might find a bill—and that if it appeared that any servant of the company within Ontario had omitted to do anything which he knew or should have known to be a reasonable precaution, or if he had not in all matters been reasonably careful, a bill would be prepared against such employee. The grand jury was further directed that the finding of a bill against one did not exclude a bill against the other, and that it was their duty to consider on the evidence offered to them whether the railway company were guilty of an offence—but in considering that, they might also consider whether it appeared to them that any employee should be indicted as well—and if so a bill would be laid before them against such employee. The grand jury by their action have apparently exonerated the employees—or at least those who had charge of the explosive in Ontario.

Upon arraignment, counsel for the defendants pleaded guilty to the two counts already set out—and the Crown abandoned or withdrew the remainder of the indictment.

Upon my asking counsel for the defendants if he had anything to say why the judgment of the Court should not be pronounced upon his clients for the indictable offence of which they had been found guilty, the following took place according to the reporter's notes:—

"His Lordship: Have you anything to say why the judgment of the Court should not be pronounced on your clients for the indictable offence to which they have pleaded guilty?

"Mr. Saunders: Yes, my Lord, one or two considerations I should like to urge upon your Lordship. The Michigan Central Railroad Company have instructed me to plead guilty, as I have done, for two considerations. They are of