

BILLS INTRODUCED.

Bill (F), "An Act for the Relief of William Henry Middleton." (Mr. Clemow).

Bill (G), "An Act for the Relief of William Gordon Lowry." (Mr. Clemow).

Bill (H), "An Act for the Relief of Bennett Rosamond." (Mr. Clemow).

Bill (I), "An Act for the Relief of Arthur Wand." (Mr. Clemow).

Bill (J), "An Act for the Relief of George McDonald Bagwell." (Mr. Turner).

GENERAL FEE FUND OF THE SENATE.

MOTION.

THE SPEAKER read a letter from the Clerk of the Senate, transmitting a letter from the Auditor-General, respecting the general fee fund of the Senate.

HON. MR. ABBOTT—I understand the question which is raised by this correspondence is whether or no the fees and revenues, as they may be called, of this House are to be retained, disposed of and dispensed by this House, or whether they are to be paid in, along with other revenues of the Dominion, to the Receiver-General. The Auditor-General contends that under the statute it is necessary that these moneys should be paid into the Department of the Receiver-General. The subject is one which, I think, requires some consideration, and therefore I would move that this correspondence be referred to the Committee on Contingencies, for the purpose of being considered and reported on to this House.

The motion was agreed to.

The Senate adjourned at 4 o'clock.

THE SENATE.

Ottawa, Monday, 25th February, 1889.

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

GRAND JURY SYSTEM.

INQUIRY.

HON. MR. GOWAN rose to call the attention of the House to the supposed uses, and to the actual working of the Grand Jury system, in connection

with criminal procedure in the several courts of Canada. Also, to the value and importance of the Ontario County Crown Attorney system in the same connection, and ask if the Government has had under consideration the propriety of submitting a measure to Parliament for the abolition of grand juries, and substituting for them some general system of public prosecutors similar to that which exists in Scotland, or whether the Government has under consideration the desirability of extending the benefits of the County Crown Attorney system, in connection with criminal procedure, to all the Provinces in the Dominion?

He said: I quite admit the difficulties in doing away with a long established legal institution—the full consideration necessary before acting. The Grand Jury system in England has existed for ages, and has certainly so far survived. It has been vigorously assailed, but notwithstanding the many changes in criminal procedure it exists; but other usages and laws which existed for centuries have been swept away, both here and in the mother country, and the public gain thereby was soon clearly recognized. The day has gone by when the cunning work and devices of remote ages are held sacred, merely because it is old, and the worship of legal idols, especially, has in modern days been brought to the test—the common sense test of utility and fitness. Change merely for change sake is always objectionable, but cautious, gradual, permanent reform, based on experience, and for the love of excellence, must commend itself to every thinking man.

Some forty-six years ago I entered on judicial life with something of the feeling that "all things are good when old," and I look back on nearly forty-one years of continuous judicial service with opportunity for seeing the actual working of the Grand Jury system, during that time having had occasion to meet these bodies rarely less frequently than four times in the year—sometimes as many as six or seven. I may be excused this reference to myself, my object being to show I am able to speak from ample opportunities for observing. What hon. gentlemen may think of my conclusions I know not. I will only say they have not been hastily formed.

My impressions gradually settled down into the conviction that the Grand Jury had survived its usefulness, and a study of the Scotch Public Prosecutor system, which has worked well and satisfactorily