

before trade unionism devours them, leaf by leaf, like the artichoke. I do not think public opinion is friendly to the labour unionists opposing employers to engage non-union men if they please.

The re-entry of M. Jules Ferry into public life is an incident in French home and foreign politics not to be ignored. He will likely be elected a senator for his native Vosges, and he will head a formidable Opportunist party among the Conscript Fathers that the Chamber of Deputies must respect. M. Ferry is very unpopular, but he is a very able and fearless man. Besides, Tonkin, that has been linked to his name like a chain-ball, is commencing to look up. It was M. Ferry's party and the Senate that rescued the Republic from the Boulanger-Orleanist conspiracy.

The Rev. "Père" Hyacinthe Loyson has set out on a crusade through the provinces to denounce the Pope. The last subject, the gods be thanked, occupying Frenchmen is religious contumely. Z.

### MY STAR.

If Browning had a star, so, too, have I;  
My other home it is  
Whereto, when sorrow threatens me, I fly.  
And in my flight towards the vaulted sky  
The clinging sorrows roll  
Down from my wingéd soul,  
As from the swallow's circling form the spray  
Drops to the ruffled bay  
Its pinions late did kiss.

Well said King Solomon much study brought  
"A weariness of the flesh":  
And oft my brain, tired with its overthought,  
Watcheth the night slip by yet sleepeth not.  
Then doth my star arise  
Slowly before mine eyes,  
Steady, serene and cold, yet heavenly bright,  
And, while my woes take flight,  
Bind all my thoughts in leash.

No longer fear and discontent combine  
To make my future drear,  
For I arise and from that star of mine  
Look down and see our small earth dimly shine,  
Then all my joy and pain  
Their proper worth obtain,  
And I to laugh at all my fears begin,  
For earth's discordant din  
Is stilled and God I hear.

Montreal.

ARTHUR WEIR.

### ABOLITION OF THE GRAND JURY.

THE announcement is made in the columns of the daily press that Sir John Thompson, Minister of Justice, contemplates laying before Parliament a Bill codifying the criminal laws of Canada, both as regards substantive law and procedure. But before submitting the Bill to Parliament he has asked the Attorney-General of each Province and the judges of the Dominion to favour him with an expression of their opinion as to the wisdom of abolishing the Grand Jury system. As the subject is one of popular interest it may not be out of place to look at it from the point of view of the citizen.

Senator Gowan spoke with a judicial mind in the Senate two years ago when he said in opening, in an able address, a discussion of the subject of abolishing the Grand Jury system, that 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. The modern test of the cunning work and devices of remote ages is the common sense test of utility and fitness, and to this test the Grand Jury system should be subjected. During his long career on the bench Judge Gowan had ample opportunities of weighing the utility of the Grand Jury system as a part of the machinery of criminal prosecution, and his conclusions, not hastily formed, were that its usefulness has been survived. Time was when the Grand Jury served a very useful purpose in standing between the Crown and the subject, preventing unjust prosecutions, but that time has long since passed away and no subject need now be apprehensive of being made an undeserving sacrifice to arbitrary power.

The institution of the Grand Jury dates back to the remotest period of English history, its purpose being to enquire into criminal charges and offences supposed to have been committed in the locality and of returning unto the court to which it was summoned its delivery thereon. But the feeling is growing that the Grand Jury is in several respects mischievous in its tendency and out of harmony with the genius and spirit of our system of criminal jurisprudence. It lacks the best guarantee of civil liberty—the open administration of justice—publicity, which is described as the very essence of confidence in judicial proceedings, as well as the greatest security for good conduct, being strictly guarded against, its proceedings being secret and its members responsible to no one but themselves. The Grand Jury is a constantly changing body, whose members are neither accustomed to the examination of witnesses nor the investigation of facts, while the continuance of the Grand Jury system makes a

draft upon material from which could otherwise be selected the petit jury, really the more important of the two, inasmuch as while the Grand Jury simply decides whether there is sufficient *prima facie* evidence against an accused person to send him forward for trial, the petit jury decides upon his innocence or guilt.

The tendency of recent legislation has been to cut down the functions of the Grand Jury. A large number of criminal cases do not now come before the Grand Jury at all, but are tried by a judge without a jury upon an act of accusation prepared by the local Crown Attorneys from the depositions taken by the committing magistrates. In addition to this, in a number of cases, Grand Juries are disabled from entertaining a charge unless there has been a preliminary proceeding, or an indictment for the offence by direction of the Attorney General, or by direction or consent of the court or judge having authority to try the same. In the cases in which Grand Juries still perform their functions, their duty is virtually to revise the work of the committing magistrate. As the Hon. Mr. Justice Gwynne once said in an assize address to a Grand Jury at Kingston: "Such, however, is our law that at the busiest portion of the year, you are called from your avocations and private pursuits to render to the country the invaluable service of determining whether the magistrates, who have already investigated the case, have or have not grossly perverted their duty, and whether there is, in fact, sufficient justification for the detention of persons whom they have committed and for subjecting them to trial for the offence charged."

Instances are not wanting in which, through secret pressure, Grand Juries, instead of being the instruments of justice, have allowed themselves to be converted into machines for preventing justice being done. Nor is this remarkable when we bear in mind that Grand Juries are liable to influences of many kinds, social and political, and even the lodge and the church are sometimes made use of in the interest of an accused person. It may be said that even a Procurator-Fiscal, under the Scotch system, would be liable to similar influences. But there is this difference, that, in the case of a Procurator-Fiscal, the responsibility would be centred on one public official, not distributed over twenty-four private citizens, deliberating in secret.

We may all agree with the sentiments expressed some years ago by Chief Justice Hagarty, that "to dispense with the Grand Jury is quite impossible until some careful substitute is found." That careful substitute exists in the safer and more efficient system of Public Prosecutors in vogue in Scotland. It is not a new system, by any means, having been long tried and thoroughly tested, and if the wisdom of a scheme is to be measured by its successful working, then that of the Scotch Public Prosecutors, or Procurators-Fiscal, commends itself for imitation and adoption. These officers of the law would perform the functions now performed by the Grand Juries. They would have a certain tenure of office, and the same independence of local influence which the law accords to judges and police magistrates. Being members of the legal profession, they would be able to appreciate the value of evidence, bring out the facts from the witnesses, and shoulder a responsibility which it is now impossible to fix upon any one juror. They would be under the direction of the chief law officer of the Crown, and thus, without any serious disturbance in the machinery of the courts, criminal prosecutions would be placed on much the same footing as under the Scotch system, for which it is claimed that under it the investigation of criminal offences and the proceedings preparatory to criminal prosecutions are beyond the control of popular influence in the local sense, while subject to strict official supervision and to the control of public opinion acting in accordance with the constitution.

Among the functions of the Grand Jury, Senator Trudel once pointed out what seemed to him to be a most useful one, that it is a kind of commission of general enquiry into the workings of prisons, asylums, and other public institutions, in which its usefulness is specially seen. But to those who know anything of the practical working of the Grand Juries in such cases, it is known that the institutions which they inspect are always prepared and clean swept for the occasion, while the inspection consists of a run through the building at the heels of the warden or superintendent. The best proof of the inutility of such visits of inspection is to be found in the fact that the Government has inspectors of its own, who officially inspect the public institutions, and on their reports, not on the recommendations of Grand Juries, improvements are made, and changes carried into effect.

The subject of the Abolition of the Grand Jury is not a new one as far as the Dominion Government is concerned, its attention having been directed to it for some years past, and two years ago Senator Abbott went so far as to promise that as soon as the tendency of public opinion was such as to justify an attempt to remove this tribunal altogether from the administration of the law, the Government would be prepared with a measure to substitute for it "one which will be calculated to perform all the duties of the ancient Grand Jury in a more satisfactory, a more speedy and a more economical manner." This surely means the adoption of the Scotch system, and if Sir John Thompson has resolved to carry out the pledge of the leader of the Government in the Senate, much of the credit of the reform will belong to Senator Gowan, who has been the means of keeping the subject before the country these many years, bringing to bear

upon it his wide judicial knowledge and a life-long experience, coupled with that care and research which have characterized his work alike on the Bench and in the Senate.

ALEX. F. PIRIE.

### LONDON LETTER.

I THINK I could have borne it better if it hadn't been in blank verse; as it is, it is "unbearful," as the nurses say. That our seats were bad, high up, near to the blazing chandelier, had something to do, no doubt, with our dissatisfaction. Still one had heard so much in praise of "Ravenswood," the acting and the scenery, that a little discomfort would have been cheerfully endured; and we settled ourselves down not far from the gods and listened to the dreamy music and waited for the curtain to lift, with a pleasant feeling of relief from the usual uncertainty as to the quality of a theatre entertainment.

Perhaps Mr. Terriss, with his vulgar Adelphi airs, his cheap swagger, was something of a shock when the play began, but one didn't complain, as it was felt the entrance of the Master would set everything in tune. Alas, what a disappointment! Throughout the long scenes, dreary and monotonous for the most part, Mr. Irving was astonishingly bad, as great a failure, in fact, as ever he was in Romeo.

Mr. Herman Merivale's drama is in part to blame, for to be sure it is a play of the feeblest; yet I have known Mr. Irving make something fine out of material as poor. Last night there was but one lucid interval, as we may say, and that was in the last act, when the marriage contract was about to be signed.

Such a beautiful scene, like one of Mr. Orchardson's delicate *tableaux vivants* that hang glittering, all blue, and primrose and white, year after year on the walls of the Academy. Such a beautiful scene, in the midst of which, with restless, shining eyes, wanders the poor Bride of Lammermoor, waiting bewildered for her fate, the while a great company throng in and out among the candle-lighted, pillared rooms. Then the clock strikes, and she must give up all hope. So she signs her name. And then, at last, at last, the laggard sweetheart comes with travel-stained cloak and jingle of spurs, comes when everything is at an end, and of all guests he is least to be desired. At that moment, and for perhaps ten minutes after, Mr. Irving was really Edgar Ravenswood; and it was something to hear how his voice lost all its harsh, unmusical tones; something to see how his movements became perfectly free and natural as he demanded the reason of Lucy's long silence and her broken vows. It is said that at the Mermaid's Well his love-making is so fine. I cannot see that. Irving is never convincing as a pleading lover; the character doesn't fit him somehow. Half the time he isn't thinking of what he is swearing, and the other half he is saying to himself "this love business is all stuff." In the contract scene last night, upbraiding, ruthless, pitiless, he was at his best and touched our hearts. It is impossible to compare him favourably with such admirable lovers as one finds in almost every London theatre. I am thinking of Mr. Charles Wyndham, Mr. George Alexander (I hear from an old gentleman that when he was young George Alexanders were twelve a shilling), Mr. Waller, Mr. Terry, Mr. Hawtrey, their names are legion. One has to accept this defect of Mr. Irving's with resignation, and as a rule it is amply atoned for.

"Ravenswood" dragging its slow length speedily ceased to interest me as it ceased to interest two lookers-on who were behind me. During the first act they were in a mazed frame of mind. "I can't understand a word he says," declared one, with a jerk of her thumb towards Mr. Irving. "I wish we'd gone to the Lane instead," grumbled the other. Soon they gave up the play as a bad job and leaning back in their seats tuned their tongues to gossip, which they murmured sufficiently loud for me to hear. I could quote you word for word many a vastly entertaining fragment of their family history—a family history which absorbed me quite to the exclusion of the direful episodes in the life of the Ashton family. Perhaps eaves-dropping is hardly an honourable employment; yet I can't, for the life of me, refrain from repeating a little bit of a sketch with which the most lively of the two dames delighted her friend—and me.

"You know old Brown (she said), of the firm of Brown, Jones and Robinson? They are linen drapers and live near the 'Angel' at Islington. He died worth thousands and thousands. He had only one 'obby—to ride the whole length of a twopenny bus, have three penn'oth of gin and a long clay pipe at the Green Man, and ride back for two-pence. When the fare was risen to three-pence he cursed for a week, Mary Anne told me, but couldn't give up the treat though it was so expensive. Jones and Robinson were the working partners. They quarrelled over a trifle and would not speak for twelve years. Jones told the carpenter to put a desk in a particular corner. Then Robinson came in. 'Oo told you to put that desk there?' 'Mr. Jones, sir.' 'Then I can't ave it put there; put it back be'ind there.' Then Jones he come in. 'Oo the devil told you to put the desk there,' he said to the carpenter. 'Mr. Robinson, sir.' 'Then I'm damned if I ave it there; put it up same as I said.' Then Robinson says, quite solemnly: 'Jones, if you ave the desk there I'll never speak to you again as long as I live.' But Jones would ave it there. They continued to ave breakfast together at the 'ouse all those years but never spoke. When a son of each of 'em was made a partner they used to take their meals with 'em,