

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 cases have or have not grossly perverted their duty, and whether there is, in fact, any sufficient justification for the detention of persons whom they have committed, and for subjecting them to trial for the offence charged. I do not pretend to suggest that the intervention of Grand Juries should not still be maintained in state offences, as a protection to the subject against the tyranny of the Government, if the days for Government acting the *role* of tyrants are not passed away; but to call for their intervention in those cases of crimes against society at large, which are the ordinary subjects for the consideration of Grand Juries, is, to my mind, an absurdity which can only be accounted for by that veneration for antiquity which seems to overshadow in some things the human mind * * *

Well, gentlemen, the law calls upon you, twelve at least concurring, to investigate these cases, which have already been so investigated that, as a result, five out of the eight accused are confined in gaol in the custody of the sheriff, and I trust you will find, as indeed I doubt not you will, that the committing magistrates have not been so arbitrary and unjust as to commit the parties without some *prima facie* evidence justifying the putting them on their trial—that, in fact, you will find that their labors have not been in vain, and perhaps you may be induced to enquire whether the service you are called upon to render the public is of that value as to present an equivalent for the inconvenience to which, in your capacity of grand jurors, you are put."

On the other side of the question many of the supporters of the present system say that there would be little difficulty in coming at once to the same conclusion were it not for the difficulty of finding a desirable substitute which could be safely looked to as not only free from the objections so forcibly put by these eminent men, but also which would not be likely to produce as great evils in other directions; in other words, if men could be found in every locality suitable in respect of legal attainments, of good reputation, free from political bias or influence, and who would take a judicial view of the case presented, there would be an end of the argument. The difficulty lies to a great extent, that appointments are made from a purely political standpoint. Some are undoubtedly good, some have reflected no credit on the appointing power.

The motion of the Hon. Mr. Gowan was to call attention to the actual working of the Grand Jury system in connection with criminal procedure, and to the value and importance of the Ontario County Crown Attorney system in the same connection; and the question asked the Government was whether they had under consideration the propriety of submitting a measure to Parliament for the abolition of Grand Juries and the substituting for them some general system of public prosecutors similar to that which exists in Scotland, or the desirability of extending the benefit of the County Crown Attorney system in connection with criminal procedure to all the Provinces in the Dominion. The leader of the Senate, the Hon. Mr. Abbott, in answering the question, stated that the attention of the Government had been directed to this question for a long time past, and