

tant change they would, of themselves, ask the judges to express opinions, because they have all formed very decided opinions on the subject, one way or the other. I was rather amused at the diplomatic answer of my hon. friend, the leader of the Government, as to the time when they were going to take it up. It rather involved immortality, I thought. It struck me if they ever do take it up and deal with it that it will be very far in the future.

HON. MR. ABBOTT—The hon. gentleman differs from my hon. friend behind me on that subject.

HON. MR. SCOTT—It will not be in the near future, I am afraid. My experience has led me to this conclusion, that where for a long series of years—in this case for centuries—power has been vested in the people, the tendency of the age has been to extend it to them rather than to diminish what they have, and, therefore, there are men behind the House of Commons, even, that would have to be consulted before the Grand Jury system could be abolished. My experience is that at least nine-tenths of the people of Ontario are in favor of the continuance of the Grand Jury system. No doubt, my hon. friend is quite right in giving us the weak points. I have often myself seen that there has been a miscarriage of justice owing to the Grand Jury being influenced in the way he has indicated. I have frequently had it under my notice where two or three strong men from a particular locality, knowing a good deal about the circumstances of the case, have given their own views, and they have been accepted rather than the sworn evidence. No doubt that has occurred. All human institutions are imperfect, and we cannot look for perfection in the Grand Jury system. The hon. gentleman suggests that this alternative tribunal which he would propose, similar to what exists in Scotland, if selected from conscientious men, free from political bias, would be the very best tribunal to replace the Grand Jury system. I quite agree with him, but the fair-minded man, without any political bias, would be an exceedingly difficult person to catch. Therefore, I am afraid that we should not, from that standpoint, at all events, be

obtaining a very great improvement. However, I do not at present regard it as a live question in politics. To a certain extent I am quite in accord with the hon. gentleman that there are weak points about it, but I consider that it has also very strong advantages, that it is a great educator of the people, that it semi-annually brings to the court and to a knowledge of the general business of the country a very considerable number of the important and leading men of the country. Take, for instance, any ordinary county town in Ontario. You have some seventy of the principal yeomen of the county brought together to take part in the administration of justice. It is a gratifying thing to them, it connects them with the administration of justice, to a certain extent, and makes them responsible that justice shall be carried on fairly and properly, and it has had, from my own observation, very many advantages purely and entirely from that standpoint, wholly apart from any other consideration. Therefore, I do not think that the great body of the people of Ontario would be disposed to favor its abolition. The replies from the grand juries given for some years, perhaps from 1876 to 1886, could, I think, be easily obtained. The hon. gentleman might move for the returns if they are in the Secretary of State's office. If they are not there they would be sent to the Attorney-General's office in Toronto, but the judges invariably send those answers, where they involve important questions, such as the one we are now discussing, to a record office either at Toronto or at Ottawa; so we could have the advantage of getting at the opinion of grand jurors themselves, and that really is one of considerable importance. The hon. gentleman has informed us that four-fifths of the criminal cases are disposed of without the interference of the Grand Jury. That is quite true, but it is at the request of the parties charged. The prisoners themselves are the persons who decide that question. They are asked whether they wish to be tried without a jury. Some men prefer to be tried summarily. They think, perhaps, the police magistrate, or stipendiary magistrate, or the judges of the county courts, may be good natured men, and they will probably get off better if they happen to be guilty. If they are innocent men they prefer a short

HON. MR. SCOTT.