

ceded by a Crown Prosecutor, as has been suggested. The Grand Jury has been designated, by reasons of its important functions, the bulwark of our liberty. But apart from its value in this respect it was useful as an educator. Grand jurors, during their attendance at court, gained a knowledge of the laws and heard much of interest and importance. Going home and diffusing this knowledge among their neighbors they helped to establish in the land a correct and salutary conception of the law, and to inspire the public with more respect for it. A man's liberty was of the utmost importance, and we should hesitate before taking away any of the protection which the law throws about it. As to the want of training urged against grand jurors, His Lordship said he thought more of the opinions of twelve practical men than of one learned man. Men of skill and learning were apt to theorize. Speaking of the need for the existence of the Grand Jury, His Lordship's opinion was that men were constituted pretty much as they were hundreds of years ago. There were still to be found contentions and wranglings; men were, as ever, liable to be carried away by their passions. Our forefathers had been wise in their generation. There had been displayed by them in times past great precision, great intelligence and great learning, in their provisions for the safety of the subject and the just administration of the law, and he did not think that such a change had come over subsequent generations as to warrant the doing away with valuable institutions which they had founded for the protection and well-being of the individual and society at large. All courts were expensive, but necessary. It might be urged that not one hundredth part of the population were engaged in litigation, while the rest were taxed to pay for it. But what was the case of litigants to-day might be the case of other people to-morrow. He had mentioned this question of the abolition of the Grand Jury to every one of these bodies whom he had the honor to address, and asked their opinion, that it might be sent, as others had, to the Secretary of State. He was aware that a Grand Jury sitting in the place of the one he was addressing had given an opinion favoring the abolition of this tribunal; but most grand juries had taken a different view of the question. The representative of a constituency might, on the spur of the moment, support some movement apparently looking towards economy, and without reflecting on the ultimate issue of it. So, men who have objected the Grand Jury system may have been led to do so, actuated solely by the question of expense. His Lordship had, therefore, dwelt at some length on this subject in order to present it clearly and fully to them, and to have their opinion as to whether it would be advisable to change the system, and what character of change, if any, they would suggest."

I will also, if the House will bear me, quote the views of two very learned judges now on the Bench—the Hon. J. H. Hagarty, Chief Justice of Ontario, and the Hon. Mr. Justice Gwynne, of the Supreme Court. In addressing a Grand Jury in Toronto some years ago the former said :

"With reference to the usefulness of that old-fashioned institution, the Grand Jury, without entering into the constitutional question he would simply say it was quite impossible to dispense

with it until some very careful substitute was found, which the present law certainly did not present. Parliament, in its wisdom, of course, might decide on a substitute, but until that was done he was sufficiently old-fashioned in his notions to think that grand juries could be made use of as a most excellent institution, performing a most important function in the administration of justice, and standing, as he had often known them to stand, as a very proper barrier between absurd charges frequently made and the innocent person who was thus saved the ignominy of standing in the dock on a charge that no twelve men could entertain."

Mr. Justice Gwynne, in an Assize address to a Grand Jury, at Kingston, spoke of the evils of the system, and after referring to the preliminary examination before magistrates, and the inconvenience of requiring another enquiry before a Grand Jury, the learned judge continued :

"Such, however, is our law, that at the busiest portions 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 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."

The subject was a good deal discussed by the general press, and I have numerous articles cut from leading journals before me. I shall only occupy your time with the substance of one, but it is from the pen of a man of great ability—the ablest and best informed public writer on the continent, in my judgment. I will read from the *Bystander*, an admirable publica-