## Canada Law Journal.

VOL. XL.

APRIL 15, 1904.

NO. 8.

We publish in another place an article, by an occasional contributor, discussing the relation of judges to Grand Juries. It is well there should be no departure from the well recognized maxim, with which he concludes his observations. It is not safe, however, to rely upon newspaper reports as to matters of this sort, and we should be more inclined to think that the report was incorrect than that the learned and careful judge who tried the Kennedy case at Brantford, went beyond the true line of demarcation in his charge to the Grand Jury. It is, as we understand it, usual and proper for the judge, when necessary, to state shortly the evidence as it appears in the depositions placed in his hand, but this is not generally called for, except for the purpose of giving an intelligent summary of the law affecting the crime. The judge usually concludes with a reminder that it is the responsibility of the jury to see that the evidence is sufficient to warrant the accused being put by his trial; also giving a caution to the jurors not to be influenced in coming to their conclusion by anything but the evidence of the witnesses who may be brought before them in It would be quite objectionable for a judge to their own room. comment on the preliminary evidence or to express his own opinion as to it. Any language, moreover, that he might use in reference to it should always be carefully guarded, inasmuch as jurors might easily receive an unconscious bias from a thoughtless expression, or an unintentional coloring given to the case by one occupying the position of a judge. This seems to be the conclusion properly derivable from the authorities collected in this article referred to.

In the *Confederation Life* v. *Moore*, 6 O.L.R. 648, an attempt was made by both the learned Master in Chambers and Mr. Justice Meredith to harmonize the apparent inconsistencies of some of the Rules affecting a point of practice in the High Court of Ontario, but