

When, in consequence of a disturbance, martial law was proclaimed in a part of the island, Eyre himself arrested Gordon at a place out of the pale of martial law, carried him in his own vessel to the proclaimed district, changed the composition of the court martial in such a way as rendered its sentence more sure, and then put Gordon into its hands. The Court still shrank from the responsibility of the execution and referred its sentence to the Governor, who ratified it under his own hand. These were the undisputed facts, and no one who has read the charge of Chief Justice Cockburn on the occasion can well doubt that the case was one for investigation before a public tribunal. But political feeling had been excited, and the Grand Jury closed the gate. A public prosecutor would be guarded by his professional instincts against irrelevant considerations and though he would, in the first instance, owe his appointment to the Government, it is difficult to imagine any circumstances in which his care for his own reputation and his interest in his office would be likely to give way to his desire to oblige a minister. To the institution of a public prosecutor in time we shall probably come.

By the abolition of the Grand Jury some better materials might be set free for the composition of Petty Juries. Assuredly it can only have been accident that assigned the more important function to the weaker tribunal. In England it is appalling to see to what hands the most momentous causes and even the issues of life and death are consigned. If the Judge is strong and uses his influence he may guide the Jury right, but otherwise the result must often be a mere toss-up, or what is even worse, it must be decided by the tricks of advocates. Any sort of prejudice is sure to carry the day. Our people are, on the average, better educated and more intelligent than the English; yet we have had recent proof that a jury-box may be swayed, in the face of the clearest evidence, by local sentiment, and more than once suspicion has prevailed that grosser influences were at work. We have heard men eminently familiar with the working of our local institutions express a very unfavour-