

What is the practical experience in regard to the system? We have no hesitancy in alleging that there are very few grand juries that will not find a bill at the instance of the Crown prosecutor, and there are fewer still who will not ignore a bill on the intimation of the court in charging the Grand Inquest. This is natural. The jurors are principally farmers, with occasionally one or two business men on the panel. They implicitly obey those skilled in the law to guide them, when they think it proper to make enquiries on legal matters. They ask questions, the answers to which materially influence their judgment. But they are not bound to seek for any information, and a friend of the accused on the panel, with a little shrewdness, a little manipulation, may readily succeed in having a bill thrown out which ought to be presented. The evidence may be ingeniously extracted one way or the other, as the examiner is friendly or hostile to the prisoner. There is no limit set upon the mode of conducting a prosecution in the grand jury room. No evidence is allowed to be disclosed outside its sacred precincts. The *modus operandi* remains as if it were a confessional secret. The very oath taken by the jurors protects them, as they are in effect sworn to keep secret what transpires within their chamber. Only one witness is allowed to be present at one time. There is no record made of the evidence given. It is true that witnesses are sworn by the foreman; but if the witness swears to what is untrue, his perjury is practically protected and safely guarded by the veneration which the law has for the system which we are opposing. It is true that if a man swore to a fact in the grand jury room and directly opposite in the witness box an hour afterwards, there is a way of prosecuting him; but it would be so beset with legal points and hoary-headed objections, that a conviction would be almost impossible. Bills are presented to the grand jury on the last day of their session. The jurors are anxious to return to their homes. It is difficult to keep them together when their sitting is prolonged. They are, to a great extent, an independent body. What is the result? A hurried examination of a witness or two, not one-fourth of the facts elicited, a suggestion by an impatient "good and true man" that another day will be lost unless the business can be finished at once, a finding of a bill, and some unfortunate individual is subjected to the caprice of "the strong god, Circumstance," put upon his trial, mulcted in heavy counsel fees for his defence, and acquitted very often before the Crown has completed its case! Surely these are matters which ought to weigh heavily in considering the advisability of retaining this adjunct to our criminal procedure.

A grave objection to the system is undoubtedly that the jury is a secret tribunal. The proceedings are, as is well known, not only conducted in private, but the privacy is sanctioned and bound by an oath which each juror takes after the foreman has been sworn. No question can be raised as to the sufficiency of evidence, or whether there is any evidence at all against the accused. All other findings of every court or functionary can be reversed if there is no evidence to support them. The Grand Inquest alone stands in this respect unique and beyond the reach of the law, and occupies the high position of being answerable to no power, no court and no parliament of the state. Its mistakes cannot