APPEALS AGAINST VOTERS' LISTS.

In our correspondence column is a suggestion by H. J. L. relating to simplifyng and cheapening appeals from the voters' lists. He suggests that the council should sit as a court of revision on voters' lists as is now done in the case of appeals from assessments. The suggestion is one that will meet the approval of all who give the matter proper consideration. The present system of holding a court of revision by the council in the case of assessments works satisfactorily, and it is the exception to the general rule to appeal from that court to the judge. There can be no good reason that we can see why similar proceedure should not be provided for a revision of the voters' lists. Mistakes, where they exist are not usually wilful, and could be easily and satisfactorily corrected in this way at comparatively small expense. When it is considered that the requirements relating to the preparation of the assessment roll and the voters' list are both numerous and intricate, as laid down in the Municipal Act, Assessment Act, Manhood Suffrage Act, Ontario Election Act, and Jury Act, it is not to be wondered at that errors will sometimes occur even with the most efficient officers, and it is hardly fair to saddle them with unnecessary costs if it can be avoided. These officers should not be held liable for costs unless the judge found them guilty of wilful or gross neligence. To make them liable for unintentional errors is to make them scape goats for the sins of legislators who provide such complicated machinery that it would sometimes puzzle even a "Philadelphia lawyer" to understand.

LEGAL INTELLIGENCE.

Ronald v. Town of Sault St. Marie.—Idington, Q. C., for the defendants, appealed from the judgment of Robertson, J., who tried the action at Goderich, in favor of the plaintiffs. The action was brought to recover the amounts due under debentures given by the defendants to the plaintiffs as the price of the fire engine sold by the plaintiffs to the defendants, or for the price of the engine. Robertson, J., held that the defendants were bound by their contract to pay for the engine and that the debentures issued were valid, and he gave judgment for $310, the amount due under the debentures, and interest. The defendants contended that the contract was not an executed one and that they were not liable because there was no by-law validating the contract. Appeal dismissed with costs, the court holding that the want of a by-law or of a contract under the corporate seal could not relieve the defendants, in the face of their acceptance and use of the engine.

Before Armour, C. J., Falconbridge J., Street, J.

Gibson v. Township of North Easthope.—Matthew Wilson, Q.C., for the plaintiff, appealed from the judgment of Meredith, J., dismissing the action, which was brought to recover back $600, and interest paid by the plaintiff under protest to the defendants, being the amount assessed against the plaintiff as one of the land owners benefitted by a drain in the township, which runs in a south-westerly direction through the plaintiff's lands, lots 34 and 35 in the 7th concession, or in the alternative to compel the defendants to have the drain properly constructed. The plaintiff contends that there was no proper petition for the drainage work, and therefore that the by-law authorizing it is bad, and the defendants had no right to make the assessment; but, if the by-law should be held good, that the drain was not properly constructed according to the original plan and profiles, though Meredith, J., found it was. The evidence was taken partly before Proudfoot, J., and partly before a county judge, and the case was decided before Meredith, J., upon the evidence so taken. Idington, Q.C. for the defendants, supported the judgment. Reserved.

JUSTICE GWYNNE ON THE GRAND JURY SYSTEM

The idea that the grand jury system constitutes in the present day the paladium of British liberties and serves as a shield interposed between the subject and the crown, necessary for the preservation of the liberties of the former from the tyranny, injustice and oppression of the latter, partakes altogether of too mediæval a character to justify its receiving a moment's consideration in the present day.

No perils to the due administration of criminal justice do, or can, in modern times arise from any interference, due or undue, upon the part of the crown.

Even in troublous times when the constitution under which we now live was being developed in England it is difficult to point out any real, substantial benefit which the subject derived from the intervention of grand juries in the administration of criminal law. Their functions were never of any higher order than to determine whether the *ex parte* one-sided evidence submitted to them by the prosecution was sufficient to justify the accused person being put upon his trial. It must needs have afforded but little satisfaction to a person who may have been confined in goal for six months or more awaiting his case being submitted to a grand jury to find at length that this tribunal ignored the bill containing the charge upon which he had already undergone several months' imprisonment. In such cases if the evidence submitted to the grand jury was the same in every particular as that upon which the accused had been committed, it is I apprehend, to be feared that it was the interests of the public and of justice which had been prejudiced.

In some few state prosecutions doubtless grand juries may be said to have intervened as a shield between the subject and the crown, or courts subservient to the crown, but since the judges have been rendered independent of the crown, the scandal upon the administration of justice that such a shield was necessary has been effectually removed. It is the petit jury and not the grand jury which has always constituted and still constitutes under the direction of independent judges the true protection of the subject against unjust and frivolous prosecutions whether instituted on behalf of the public, or (and herein the only peril to the due adminstration of criminal justice exists) by wicked and maliciously disposed persons making false or frivolous accusations for the gratification of their own selfish vindictive and malignant purposes. The legislature has, however, in modern times afforded a much more effectual shield to the subject against frivolous and unjust prosecutions than the grand jury ever afforded, and has rendered the interposition of such a tribunal practically useless.

The provisions of the Act formerly known as "The Vexatious Indictment Act," now embodied in section 140 of chapter 174 of the Revised Statutes of Canada, and the provisions of sections 69, 70, 71, 72, 73, 80, 81 and 82 of the same chapter 174 regulating the proceedings before justices upon criminal charges, are all framed with the most anxious solicitude to prevent persons being put upon trial upon frivolous or unjust accusations. These provisions, if they are not already, can be made abundantly sufficient to dispense altogether with the services of grand juries whose functions are now reduced to an enquiry, more ludicrous