

sion that the Grand Jury has survived its usefulness, and that some system similar to that of the Scotch Public Prosecutor might well take its place.

In 1855, a series of articles appeared in this journal, advocating the passage of a measure which eventually took the form of the County Crown Attorney's Act, which was passed in 1857. This, as Mr. Gowan remarks, was one of the most valuable of the many statutes affecting reform in law procedure which Sir John A. Macdonald has placed on the statute book. All that was said then applies now to the several Provinces where the office of local Crown prosecutor does not exist, and we have no doubt that representatives from those Provinces obtained information from the honorable Senator's speech which will be of infinite value to them.

The learned Senator brought out very strongly various objections to the present Grand Jury system. We shall now refer shortly to the most important.

Mr. Gowan claims, as the fact is, that one of the worst features of the system is its secret and practically irresponsible character, every member of the body being sworn to secrecy before he can act. Open administration of justice, the best guarantee of civil liberty, is wanting; and publicity, the very essence of confidence in judicial proceedings, is guarded against. Individually, the members of the Grand Jury are practically irresponsible, and are often made to serve as a block to proper prosecution and to screen an offender who has been sent up for trial by a magistrate after an open inquiry. It is true that the Crown Counsel has access to the Grand Jury, but here again crops up the difficulty of the body being a secret one; he has necessarily large influence with the Grand Jury, and frequently controls their actions, whilst, at the same time, he personally is not responsible, nor is he amenable to public opinion.

Then again, the Grand Jury is a changing body. Those composing it are not men of judicial experience, or accustomed to the examination of witnesses or the investigation of facts. It is quite possible for an unwilling or partial witness appearing before a number of laymen to suppress facts, and to color statements so as to avert a trial, or to connive with the accused or his friends, and thus to cause injustice to be done.

Another objection arises in this way. In criminal trials before the Petit Jury there is a right of challenge; with the Grand Jury there is none. This objection is thus stated by the learned Senator:

"Another weighty objection to the Grand Jury is this: there is no challenge, such as there is to the Petit Jury. Persons related to, or closely connected with, the prosecutor or the accused, may be on the Grand Jury—personally or politically connected, as friend or antagonist—or persons who have a strong personal or pecuniary interest in the matter to be dealt with, or men who hold and have expressed strong opinions on the case. Such persons, every one will say, ought not to be on the Grand Jury in the particular case. But how is it effectually to be guarded against? The safeguard of full right to challenge wanting—nor is it a sufficient answer to say the verdict of a Petit Jury must be unanimous. The finding of a Grand Jury is by the majority, but who can calculate upon the