"It may be noted that now, as a matter of fact, by far the greater number of criminal charges in Ontario are submitted for trial on an act of accusation, in the nature of an indictment, which the County Crown Attorney prepares, the intervention of a Grand Jury being altogether dispensed with. I refer to trials before the County Judges Criminal Court, which, as you are aware, possesses a jurisdiction embracing for trial, by judge alone without a jury, nearly every offence known to the law, except capital felonies In this judicial district only thirty-one cases during the present year were submitted to grand juries; ninety-two were cases not brought before them at all but were tried by the jndge without a jury, and all upon charges formulated by the Crown Attorney from the depositions taken before the committing magistrates; and the proportion will probably be the same in other jurisdictions in Ontario. A late return to the Legislature showed that only one-fifth of the prisoners committed last year, embracing all the more serious charges, passed before a Grand Jury—the presentation of all the rest, or four-fifths, the Crown attorneys were alone responsible for."

And I also pointed out another fact—the power of Grand Juries being cut down, discredited as it were, by statute. I may quote the following passage:

"Moreover, there is evidence on the Statute Book that the Grand Jury are not so entirely trusted as in former years, for in a number of cases they are disabled from entertaining a charge unless there has been a preliminary proceeding, or the indictment for the offence by the direction of the Attorney-General, or by direction or consent of the court or judge having authority to try the same."

Some two years after this, in 1879, public attention was aroused in England by a very scandalous case which occurred there. It brought into bold relief one of the inherent evils of the Grand Jury system, and went to show the danger of entrusting such a body with a power of enquiry in the nature of a review into the decision of magistrates after an open examination of witnesses. I had referred to this danger indeed for years; I thought that neither in the interests of public justice, nor inded in the interests of one accused, was a secret enquiry, such as a Grand Jury makes, desirable or safe.

I will ask permisssion of the House to read from a leading article in one of the great London dailies, referring to the case of Sir Francis Truscott, and the Grand Jury system generally and giving an instance of the power which a Grand Jury possesses, of sending a man for trial upon evidence taken in secret, with which he has never been confronted. The circumstances were briefly these: A charge of libel was made before a magistrate against Sir Francis Truscott, and when the magistrate heard the evidence he refused to grant even a summons. There was really nothing in the charge, and the magistrate dismissed it. Nothing daunted, the prosecutor waited till the next sitting of the Central Criminal Court, went before the Grand Jury, produced a post-card containing the supposed libel, and probably swore to the handwriting of Sir Francis Truscott. At all events, the Grand Jury found a true bill, and the process of the court followed. Sir Francis was ignorant of the proceeding—was, in fact, on the continent at the time. The result was, the charge hung over him for a month, until he returned, when the case came up for trial and he was vindicated. Such a scandal might well produce comment. The article from which I will read was in the London *Times*:

"The action of the Grand Jury which put an alderman and the proximate Lord Mayor of London on his trial for libel upon evidence given in his absence, behind his back, calls attention anew to the singular survival among us of this ancient institution. It may be hoped that the circumstances will give it its long desired *coup de grace*. Grand juries have had their history, and once had their uses. They have served in past generations as means of testifying to the public opinion of the country, and it still occasionally happens that this purpose of their existence is faintly recalled.

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"These futile presentments—a relic of ancient activity—serve to illustrate the uselessness rather than the utility of grand juries as exponents of public opinion; and, indeed, it cannot be doubted that there are ample means of ascertaining the balance of public judgment at once quicker and more trustworthy in their action. What other purposes do grand juries serve? They have functions, as parts of our machinery of criminal justice, which are generally useless, or injurious only as impeding the action of the courts; but, as the case of Sir Francis Truscott proves, they are sometimes positively mischievous, exposing an innocent man to all the annoyance and disrepute of being subjected to a criminal trial upon evidence altogether insufficient to sustain such a charge. They never serve a good purpose, and at times they serve a bad one. This ought to be sufficient to procure the abolition of an institution that has lost its use. But old institutions die hard among us, especially if, though their use has departed, they add any touch of dignity or of ornament to the life of rural denizens.

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"We pass by at once the notion that grand juries are of any value as exponents of public opinion.

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"It is with grand juries as a part of the machinery of the criminal law that we now have to deal. The purpose of their existence in this character was to correct the errors or imperfections of the actions of local benches of magistrates. A magistrate or magistrates in petty sessions might com-