

munity of respect for the administration of the law, and, to my mind, helps materially, in so young a society, in keeping up those feelings of harmony, and that practice of harmonious action, among different classes of society, which it is not easy to generate or maintain in a small community with very liberal institutions.

I believe that it is a great social advantage, and a political one, too, to bring together men of different views, political and social, for the discharge of common duties, on neutral ground, where they act in harmony for the common good, ignoring partisan and personal prejudices.

No grand jury in the Colony ever yet complained to me, or to the Government, to my knowledge, of the burden cast upon them. I have never heard of any mischief arising from the system in the Colony. I feel sure it is both practically and theoretically useful; and unless I have some reason never yet suggested to me for its abolition, I shall strive my best to preserve it.

If you are going to have public prosecutors, I should venture to give you one suggestion: make it their interest to conduct cases properly. That you might do by giving them a small salary as general retainer, and liberal fees in every case where the Court was satisfied with the mode in which the prosecution has been conducted, giving the Court full power to disallow all or any costs. At present the power of the Court in this respect, in the Colony, is nominal; as the prosecuting lawyers are paid by salary, and the Provincial Treasurers pay or disallow costs without the interference of the Court. This is one radical vice of the present system. Should there even be a revival of the District Court criminal action, a grand jury in the Supreme Court would be able to make up for the negligence of a prosecuting officer in the inferior tribunal—if such should occur—by finding a true bill in the Supreme Court. The Provincial Solicitors ought to be competent to conduct prosecutions in all their stages; but there is much more chance of their being so when it becomes their direct interest to succeed—that is, of course, not necessarily to get convictions, but to get judicial approval for the prosecution.

I have, &c.

ALEXANDER J. JOHNSTON.

P.S.—After a material increase of population and crime, it might be thought desirable not to trouble the grand jury with certain classes of cases, unless the Judge, on perusing the depositions, should think it desirable that they should inquire into particular cases.

That course seems unnecessary at present, as the labours of the grand jury, once assembled, are seldom very onerous.

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