

reproaches, we place the services rendered by the grand juries, it seems to me that we cannot hesitate for a moment as to the maintenance of this institution. Whatever may besaid of them they serve still, at the present time, to protect the honour and liberty of the subject against the crown. How many trivial charges having no foundation are rejected by the grand juries? It is not the crown which would have protected the citizen against these charges, seeing that they are the representatives of the crown who bring them before the grand jurors. If the latter had not been in existence, they would have been laid immediately before the petty jurors. It is a matter of fact that a criminal trial is always dangerous, even though the prisoner be innocent.

I can say that at each criminal term at which I have presided, in the various rural districts, I was always fortunate in being able to reckon upon the assistance of the grand jurors, and it was with satisfaction that I saw them, at each of these terms, return as not true the indictments which were brought before them.

Doubtless grand juries have committed errors, as every human institution has and will do; but they are probably less numerous than those of the petty juries, notwithstanding that the latter are more under the control and in the light of the court.

It would be with the most profound regret that I should see the institution of the grand jury abolished. I think that the people of the province of Quebec are of the same opinion; for, recently, by the unanimous vote of their representatives in the legislature of Quebec, there was voted to each grand jurymen an indemnity, who formerly was obliged to give his services for nothing. This is far from endeavouring to reduce the expenditure caused by this institution. It is in high favour. It is an institution springing from the people, and it seems to me that they cling closely to it. Let us make the system perfect, but I do not think that it ought to be abolished.

MR. JUSTICE GILL.

I would entirely approve of a measure to that effect, provided of course some modification of the preliminary examination as ac-

tually practised before the justices of the peace be made, those justices not being as a rule in the rural districts of this province sufficiently educated and so free from prejudice as to always fulfil properly the office.

I would go further and abolish the trial by jury in a number of cases, viz., in all the offences which may now be tried before a police magistrate; that is, I would deprive in such cases the accused of his right of option which he now has of being tried by a jury or by the magistrate.

MR. JUSTICE CHARLAND.

I have the honour to submit respectfully that I see no inconvenience in abolishing the functions of grand juries in districts where preliminary investigation can be made by competent magistrates.

MR. JUSTICE BOURGEOIS.

I confess that my views upon that question are not *much* settled.

I have found occasionally that the functions of the grand juries were useless and that their secrecy led to treacherous prosecutions and gross injustice.

In the rural districts of this province preliminary inquiries are often made by *unskilled* or prejudiced justices; in such cases, or where there has been no preliminary inquiry at all, the functions of the grand juries afford a kind of protection against oppressive and unjust prosecutions.

If the institution of the grand jury were abolished, I think the statute ought to provide that nobody is to be arraigned or put on his trial before petty juries, *unless* a preliminary investigation has been made in his presence, by a competent officer.

The codification of our criminal laws as suggested by the circular is very desirable.

MR. JUSTICE ANDREWS.

In my opinion it is inexpedient to abolish the functions of grand juries in relation to the administration of criminal justice. So far as I am aware, the chief if not only reasons usually given for such abolition are: the extra expense to the public and inconvenience to individuals, which would be thereby saved.

I think that both are at least counterbalanced by the benefit accruing to the individual jurors and to the community at large,