

lief should be made in such cases, namely, to the Minister of Justice.

HON. MR. JUSTICE MEREDITH:—The formal questions submitted for the opinion of this Court must be read in connection with the rest of the stated case, and must be given a reasonable interpretation with a view to meeting the real points of the case, and a strictly literal interpretation which would answer no useful purpose ought not to be applied to them, if they are fairly open to an interpretation which would meet the real needs of the case.

To interpret the questions in this case as meaning: is it regular to object to a juryman, for cause, before he is called; and did the Judge refuse to entertain an objection at the time, when the objection ought to have been made, would be to consider the reservation of this case a futile proceeding and a mere waste of time; which I am quite sure no one could have meant.

That which the Judge must have desired to know was whether he had by his conduct, in any way deprived the prisoner of the opportunity to prevent persons disqualified by interest trying him upon the very grave charge made against him, and of which the jury found him guilty; if, therefore, the questions are capable of an interpretation which will enable this Court to consider such real point, and enable it to do justice in the case, they ought to be so understood and acted upon.

It is quite clear that counsel for the prisoner was not familiar with the practice in criminal cases; but he plainly intimated, at the outset, that he desired to guard against anyone disqualified by interest acting as a juryman; and in the acknowledgement of that desire, it ought to be needless to say, he ought to have had every reasonable assistance that the Court could give.

Then what happened? At the very outset the Judge was made aware of a possibility of some of the jurymen being disqualified by personal interest; and upon being made aware of that fact said: "We will see when the question arises." Not: "You are premature, you must raise the question at the proper time. If he had said that he would probably have been asked to say when the proper time would be; and counsel would have raised the question again at the proper time. It would not be unreasonable for the prisoner, or for his counsel to rest assured, after the Judge had said, 'We will