

mended by the Commissioners, and which led to legislative action, in accordance with that recommendation, renders it quite unnecessary for me to add much on the subject; but, amongst several instances of unjust secret indictments which have come to my knowledge, there is one—the truth of which I will vouch for—which I cannot forbear mentioning. It was the case of a man, a Montreal merchant, who, through misfortunes, or, at any rate, embarrassment in his affairs, was tempted by a thorough and unmitigated villain, to the commission of criminal acts, or, rather, allowing such acts to be committed in his name, was then betrayed by his tempter to his creditors, and was procured to be indicted in secret before the Grand Jury. But ample opportunity and facility was afforded him to abscond, which he did, dying in a very short time of a broken heart, leaving his clever accomplice and betrayer the lion's share of the spoils, and, moreover, the enjoyment of the good opinion of the creditors and others, with the exception of a few who knew enough of the facts to enable them to form their own opinion, but who were also appalled by the wickedness, boldness, and complete success of the villain. Had the man been arrested, as he should have been, and his accusers examined by a justice of the peace, the whole of the facts must have been brought to light, and the really and most guilty person would have been exposed. In this case, the mode of secret indictment caused a failure of justice in both ways, and it may safely be taken for granted, that, where indictments for criminal offences are presented to the Grand Jury, without first having gone through the preliminary proceedings before a committing magistrate, as the spirit of our criminal law contemplates in every instance, they are, in nine cases in every ten, originated and prosecuted for some ulterior purpose, not sanctioned by law or justice.

The instances are numerous in which unprincipled and unscrupulous lawyers have, either of their own motion, or yielding to suggestions of their clients, made use of the facilities afforded by the practice of secret indictments before Grand Juries, to extort money from unfortunate and timid persons, and they do this in most cases with perfect impunity. A masterly and well practised hand can be discerned all through the conduct of the prosecutors in my case, and it is fearful to contemplate the extent of the evil which such a profi-