

pensation of a procedure which may save innocent persons from the ignominy of standing at the bar on a trial for felony or of being subjected to a criminal prosecution for a misdemeanor.

I will, moreover, beg leave to add that grand juries and their reports are not, in my opinion, without benefit to themselves and utility to the public, and that the discharge of their duties generally tends to instruct and elevate characters by the honour which is found in being so importantly mixed with the administration of justice.

JUDGE TELLIER.

I have the honour to inform you that an experience of more than a quarter of a century, gained as much when acting as deputy clerk and crown attorney, as when a justice of the court of queen's bench, lead me to the holding of an opinion favourable to its preservation. The action of the grand jury may be useless in many cases, but in general it bears good fruit and renders undeniable service.

The criminal law is an instrument which is used often to secure other ends than that of the repression of crime and the protection of society; and for its application it is important that justice should be surrounded by all the elements fitted to make it equitable and efficient. The institution of the grand jury, owing to the number, the selection and the qualification of its members, offers all desirable guarantees.

The grand jurors, selected from the most prominent men of the district, and coming from various localities, are obliged to examine and declare on the faith of their oath, if there is sufficient cause for placing on his trial the prisoner, in order that he may be able to answer the charges brought against him. Each judgment being for these occasional judges a grave and solemn action, which reckons for something in their life, they bring to its preparation all their attention, naturally, and all the caution they are capable of. The manner of their selection, their independence of authority, and the temporary character of their duties, make excellent judges of them.

Their participation in judicial proceedings is adapted to inspire confidence in the public

and respect for justice, and to produce a salutary effect upon society. The cause for its existence makes itself felt especially in a country like ours where the criminal law is made by the federal power and is carried into effect by the provincial power. If I add to these few remarks the fact that the grand jury costs to the public treasury but a trifle, namely: the small cost for the summons of the men who compose it, I will say to you, "Sir, let us keep this tribunal." Such is my opinion, and I respectfully submit it to you.

JUDGE MATHIEU.

When a preliminary examination has taken place, and the justice of the peace or the police magistrate has found that there is matter for trial, I do not see why the same question is submitted for the determination again of the grand jury, for the report of the grand jury is equivalent to the declaration that there is or is not matter sufficient to bring to trial.

It is true that one can bring a bill of indictment before the grand jury, before holding a preliminary examination, but in this case, one might supplement the indictment before the grand jury by declaring that, whenever there is no preliminary examination, the trial of the prisoner cannot be gone on with without the permission of the court being obtained.

I think that the preliminary examination, and, in default of such, the authorization of the court, is a sufficient protection for the accused person, and with these provisions one cannot be subject to vexatious trials in law. I ought further to remark that this preliminary examination, and one held in secret before the grand jury, is subject to many inconveniences, and the right of presenting indictments to the grand jury is often abused,—whose good faith persons have often abused by allowing them to become acquainted with only enough to give the appearance of truth to the charge. Often the grand jury itself abuses the right it possesses to make representations, and its remarks do not always bear the stamp of wisdom. I am, then, of opinion that the grand jury might be abolished, after placing in the law, as I have stated, a safeguard such as I have in-