

GRAND JURIES AND THE PLEAS OF CRIMINALS.

they have been previously convicted, the question is tried, as in the case of those who took the same course after pleading guilty to the principal charges. As each prisoner is convicted, he is sentenced, and the witnesses against him are paid and allowed to go away.

We have now given a short account of the procedure in our Criminal Courts, which will be sufficient to enable our readers to understand the suggestions for its amendment which we wish to submit to them. It will be observed that the Grand Jury begin their deliberations on the first day of the Assizes or Sessions at which the prisoners, against whom they find true Bills, are to be tried; and that they have power to call and to examine witnesses.

It will also be observed, that when they have brought in a true Bill against any prisoner, he may be called to plead, and may be put upon his trial at once. As a general rule, Grand Juries only call some of the witnesses in support of each Bill before them; and, in cases in which true Bills are found, and the prisoners plead guilty to the charges against them, none of the witnesses are called; unless special circumstances make the presiding judge, recorder, or magistrate, desire to question them before passing sentence. Our present procedure, however, compels the persons in charge of prosecutions to bring all the witnesses, against each of the prisoners in the calendar, to the town at which the assizes or sessions are held, on the earliest day on which the Bills in support of which they may be called upon to appear can be taken up by the Grand Jury. It also obliges them to keep them there, and to have them in readiness to give evidence, from that time, till the cases in which they are concerned are finally disposed of. All these witnesses are paid so much a day during the time they are in attendance; and their travelling expenses, if any, are also repaid to them. The money thus disbursed is, in the first instance, paid by the county treasurers, in respect of witnesses appearing at assizes and county sessions; and by the city or borough treasurers, in respect of witnesses appearing at city and borough sessions. It is, however, ultimately repaid to these local treasurers by the Treasury, out of the Consolidated Fund.

It is clear that the procedure which we

have described is both extravagantly wasteful of public money, and unnecessarily inconvenient to individuals who have the misfortune to be summoned as witnesses in criminal cases. Private citizens are brought away from their ordinary occupations, and are kept in forced idleness about our criminal courts, and, after being subjected to great inconvenience and loss, are frequently told they are at liberty to go home, as their evidence will not be required, the prisoners against whom they were ready to appear having pleaded guilty. Warders of prisoners are often brought from distant parts of the country to be in readiness to give evidence as to previous convictions, which all persons, who are acquainted with proceedings in our criminal courts know perfectly well are generally admitted, almost as a matter of course, by the prisoners against whom they are charged. These public servants are brought to the towns where our assizes and sessions are held at great expense to the State. The indirect loss occasioned by our present procedure is also considerable; for the warders in question are withdrawn from the discharge of their regular duties, and are sometimes kept loitering about our courts for two or three days. The mere fact that our present procedure compels persons in charge of prosecutions to bring witnesses against prisoners who plead *guilty*, as well as against those who plead *not guilty*, and are consequently tried, should be sufficient to cause us to review the administration of our Criminal Law, in order to see whether it may not be made more convenient to individuals, and less expensive to the State.

We shall now enter into the details of a proposed procedure under which the attendance of witnesses in the cases in which prisoners pleaded *guilty* would be, generally, unnecessary; while the efficiency of the administration of our Criminal Law would, at the same time, be increased. The power of Grand Juries to call and to examine witnesses in support of the Bills before them, and our practice of taking the pleas of criminals, *after* the commencement of the assizes or sessions at which they are to be tried, are the joint causes of the expenditure of public money which we consider unnecessary and wasteful, and of the other evils which we desire to remedy. These, therefore, are the points