

GRAND JURIES AND THE PLEAS OF CRIMINALS.

question is well worthy of attention. And, since we are satisfied that the administration of our criminal law at Assizes and Sessions can be made less expensive to the State, more convenient to witnesses and others engaged in prosecutions, and more effective for the conviction of criminals, by means of certain simple changes of procedure, we do not hesitate to submit our ideas on the subject for the consideration of our readers. Some of them are doubtless well acquainted with the administration of our criminal law in all its details; while others have only that general information on the subject which can be picked up by serving on juries, giving evidence in trials, or watching proceedings in the courts. It is probable, however, that the attention of few of them has been directed to the various steps by which criminals are brought to justice, with special reference to their bearing upon the convenience of persons concerned as witnesses, and upon the amount of this branch of our national expenditure. We shall, therefore, describe such of them as directly affect the question before us; and, in doing so, we shall restrict ourselves to a description of what takes place generally, and shall not trouble our readers with an account of criminal law procedure in exceptional cases.

When a man is accused of a crime, he is taken before a magistrate, who hears the evidence against him, and then, according to circumstances, either dismisses the case, deals with it himself, or commits the prisoner for trial at some assizes or sessions which will shortly be held in the neighbourhood. When a prisoner is so committed, the evidence against him is taken down in writing; the written reports of their evidence are read over to the witnesses, and the papers are duly signed by them and by the committing magistrate, and are sent to the assizes or sessions at which the trial is to take place. These written reports of the evidence given on the committals of prisoners are called "depositions," and we shall have occasion to refer to them again. When the day has arrived on which the trials of prisoners at the Assizes or Sessions are to begin, the Grand Jury appear in Court and receive their charge, in which any cases likely to present difficulties are usually mentioned, and in which information and advice are given as to the proper

method of dealing with them. At assizes the charge is given by the judge who presides in the Crown Court; at county sessions, it is given by the chairman of the magistrates; and at city or borough sessions, by the Recorder. When the Grand Jury have been charged, they retire to the room set apart for their use, and begin to consider the Bills preferred against the prisoners who have been committed for trial at the assizes or sessions at which they are acting. It is their duty to examine the Bill against each prisoner, and to determine whether there is a *prima facie* case against him, which he should be called upon to answer. To enable them to do this, they have power to call and to examine the witnesses who are in readiness to give evidence in support of the charge.

The prisoners cannot be called upon to plead, until true Bills have been found against them; and the court is, therefore, obliged to wait until some Bills have been found before it can proceed with the trials. When a batch of true Bills has been brought into court by the Grand Jury, the prisoners against whom they have been found are arraigned; the charges against them are read over, and they are called upon to plead.

Those of them who plead guilty are, if they are old offenders, then called upon to plead to counts of the indictments which charge previous convictions. And if a prisoner, against whom this charge is made, deny that he has been previously convicted as alleged, the jury are sworn to try the question; the necessary documentary evidence of the conviction is produced, and a warder from the prison where he was confined pursuant to it, usually gives evidence of his identity, which is considered conclusive by them. When the pleas have been taken, those prisoners who have pleaded guilty are brought forward and sentenced; and the witnesses, who have held themselves in readiness to give evidence against them, are paid, and allowed to go to their homes.

The prisoners who have pleaded not guilty to the principal charges are then tried in their proper order; and those of them who are convicted, and against whom previous convictions are charged in the indictments, are then called upon to plead to the counts containing the charges in question. If any of them deny that