

duty of the prosecuting attorney, but, whatever part he takes in the proceedings, he is only required to retire when the grand jury deliberate.

The names of the witnesses to be heard are inscribed on the back of the bill. They are sworn by the foreman, or by the juror acting in his place if he should be absent and the juror swearing a witness places his initials at the end of the name of such witness on the bill. The grand jury need not hear all the witnesses mentioned on the bill; but, if they should desire to examine any person whose name is not entered on the bill, they must get for that purpose the written order of the presiding judge.

When the grand jury deliberate on a case, after having heard the evidence, the prosecuting attorney, if he has not previously retired, and the clerk of the crown must withdraw, as the grand jury must then be alone. If twelve jurors are of opinion that there is a probable case against the accused person, they find a true bill, and the bill then becomes an indictment. If, however, the grand jury think that the case for the prosecution is so trumpery that the accused person ought not to be subjected to the disgrace of being put into the dock and made to plead, or twelve jurors do not agree that there is a case, the bill should be thrown out. When a bill is considered to be well founded it is