

over which every committing magistrate of the city and county of Philadelphia has jurisdiction. Any one of this numerous body may issue his warrant of arrest against the accused, his subpoena for the persons and papers named, and may compel their appearance and production. And if sufficient probable cause is shewn that the accused have been guilty of the crimes charged against them, he may bail or commit them to answer to this court. The differences to the accused, between this procedure and that proposed are, that before a primary magistrate the defendants have a responsible accuser, to whom they may look if their personal and official characters have been wantonly and maliciously and falsely assailed. They have the opportunity of hearing the witness, face to face. They may be assisted by counsel, in cross-examining these witnesses, and sifting from them the whole truth. And not the least, they by this means know what crime is precisely charged against them; and when, where and how it is said to have been perpetrated: rights which we admit and feel the value of, and of which we would most reluctantly deprive them, even if we had the legal authority to do so.

“On the whole, we are of opinion, that we act most in accordance with the rights of the citizen, most in conformity with a wise and equal administration of the public law, by declining to give our aid to facilitate the extraordinary proceedings proposed against the parties named in the communication of the grand jury; and, by referring any one, who desires to prosecute them for the offences charged, to the ordinary tribunals of the Commonwealth, which possess all the jurisdiction necessary for that purpose, and can exercise it, more in unison with the rights of the accused, than could be accomplished by the mode proposed in the communication of the grand jury.”—*Wartin's Criminal Law*, 117, 118.

“The spirit of the rule so well expressed in this extract, is embodied and carried out in the provisions proposed by the Commissioners, continuing in the grand jury all their powers in respect to the investigation of charges of crime. It is proposed to guard against hasty and ill-advised accusations, by giving to the defendant, upon presentment by the grand jury, (where he has not been already held to answer,) the same opportunity of answering or