

part of a count and no true bill as to the remainder of the same count. When a bill of indictment has been thrown out, another bill against the same person, for the same crime or offence, cannot be preferred and found at the same term of the court, but a fresh bill of indictment may be preferred to and found by the grand jury empanelled at a subsequent term. When a bill has been found, it then becomes and is called an indictment. The panel of a grand jury is composed of 24 jurors; but the grand jury, when organized, must not consist of more than 23, so that the 12 required to indict may be a majority.

In deciding upon a bill of indictment you must be persuaded of its truth by the evidence submitted to you, and you should not rest satisfied with remote probabilities. The names of the witnesses whom it is intended to examine before the grand jury are endorsed on the bill of indictment and they, or such of them as may be necessary, will be brought before you by the Crown Prosecutor, or the officer acting on his behalf. No others can be examined by you unless upon the written order of the presiding judge. The witnesses are to be sworn, as they come into the grand jury room to be examined by your foreman, or by the juror who may for the time being act for him; and your foreman, or such juror, will write his initials against the name, on the back of the bill of indictment, of each witness sworn and examined touching such bill of indictment. Quakers and others who are exempted by law from the obligation of taking an oath may give their evidence after having made a solemn affirmation in accordance with the provisions of section 219 of the Criminal Procedure act. With this difference, you will proceed with respect to these persons as in the case of other witnesses.

If you think, after having heard the evidence and deliberated, that a charge is groundless, you will report that it is not a true bill; but if you are satisfied that the evidence adduced makes out a sufficient case, you will report