

the shape of bills of indictment preferred by the public prosecutor, or submitted by a private prosecutor under the express authorization of the court; and secondly, on crimes, misdemeanors or public evils requiring judicial notice, respecting which no bills of indictment are presented to you but which may come to your knowledge in the course of investigations had before you, or from your own observation, or from the disclosures of some of yourselves. When a grand jury finds a case which has been committed to it, it acts on the bill of indictment preferred to it; but when it acts on its own knowledge, it reports the facts to the court by a document which emanates from itself and is called a presentment, and on which the public prosecutor afterwards draws an indictment.

The primary object of the institution of a grand jury is to provide a shield to those who may be unjustly accused either by private malevolence or by political intrigue; and the theory of its powers and functions is that no person can be publicly put on his trial for an infamous crime without it having been first ascertained if there be a *prima facie* case against him, and that there is such a degree of evidence as to his guilt as, unexplained, would be sufficient for a conviction. It is on account of this safeguard that this institution should be dear to us, and that it will always be upheld by the Parliament of our country.

You have been summoned by the Sheriff under a precept requiring him to return twenty-four persons from the body of grand jurors for the district; but the number required to form the grand jury or grand inquest for the term must not be more than twenty-three nor less than twelve. In order to find an indictment, or make a presentment, twelve at least of you must assent thereto, for it is a maxim of the English criminal law, as Blackstone says, that “no man can be convicted at the suit of the “King of any capital offence, unless by the unanimous “voice of twenty-four of his equals and neighbours, that