

ences, the right of every member of a body like a grand jury, taken immediately from the excited mass, to charge what crime he pleases, on whom he pleases, in the secret conclave of the grand jury room, might produce the worst results. It is important, also, in the consideration of the question, to be borne in mind, that the body to be clothed with these extraordinary functions, is perhaps, the only one of our public agents, that is totally irresponsible for official acts. When the official existence of a grand jury terminates, they mingle again with the general mass of the citizens, intangible for any of their official acts, either by private action, public prosecution, or legislative impeachment. That the action of such a body should be kept within the power clearly pertaining to it is a proposition self-evident; particularly, where a doubtful authority is claimed, the exercise of which has a direct tendency to deprive a citizen of any of the guarantees of his personal rights, secured by the constitution. Our system of criminal administration is not subject to the reproach that there exists in it, an irresponsible body, with unlimited jurisdiction. On the contrary, the duties of a grand jury, in direct criminal accusations, are confined to the investigation of matters given them in charge by the court, of these preferred before them by the Attorney General, and of those which are sufficiently within their own knowledge and observation, to authorise an official presentment. And they cannot, on the application of any one, originate proceedings against citizens, which is a duty imposed by law on other public agents. This limitation of authority we regard as alike fortunate for the citizen and the grand jury. It protects the citizen from the prosecution and annoyance which private malice or personal animosity, introduced into the grand jury room, might subject him to. And it conserves the dignity of the grand jury, and the veneration with which they are always to be regarded by the people, by making them an umpire between the accuser and the accused, instead of assuming the office of the former.

“ We have less difficulty in coming to these conclusions, from the consciousness that they have no tendency to give immunity to the parties named in the communication of the grand jury, if they have violated any public law. The charge preferred by the grand jury alluded to in the communication is clear and distinct. It is one