

bearing always in mind, however, that the accused is not on his trial before you, and that what you have to seek is merely whether there appears at first sight to be sufficient ground to put the accused upon his trial.

The officers prosecuting on behalf of the Crown will lay the bills of indictment before you, and they and the officers of the court will marshal the witnesses and conduct their examination before you; but you can yourselves put any questions you wish to the witnesses so produced, and can call and examine other witnesses, should you think it necessary, obtaining, however, the presiding judge's order for any whose names are not endorsed on the back of the bill of indictment. The counsel representing the Crown and the officers of the court alone have the right to be admitted to your sittings; but they must not be present during your deliberations or when the vote is taken upon any matter before you.

Any person may bring an accusation against another and require it to be investigated. The charge is generally made by laying a sworn information before a magistrate, who holds a preliminary examination and either commits the accused person for trial or discharges him. Sometimes, however, the charge is made by a private prosecutor to the grand jury, without having in the first place laid an information before a magistrate, and he does so by preferring a bill of indictment before them; but you must not take cognizance of any bill of indictment so preferred unless the private prosecutor has first obtained the authorization of the court or of the presiding judge to lay it before you.

Besides the duty of passing on the bills of indictment which may be preferred before you, and which I have called your principal duty, you have several other functions. You have the right to take notice of any crime or offence for which no bill of indictment has been laid before you, of which you may have personal knowledge, or which may be made known to you by testimony given before you.