

they have been examined by the Grand jury, and not to go away until the Court Dismiss them. If the Grand jury, after hearing Evidence, find, i.e. Approve, a bill of Indictment Exhibited against any person or persons (to which 12 at least must agree) the foreman or some of them find or forewrite on the back thereof these words, Billa vera. If the Grand jury Disallow a bill, they must find or forewrite Ignoramus. But where several persons are Indicted in one Bill, and the Grand jury have Evidence to satisfy themselves to find the Bill against one or More, and not against others; they find or forewrite the Bill thus, Billa vera quoad A. B. & C. D. Ignoramus, quoad E. F. & G. H.

When the Grand jury have agreed upon the finding or not finding of any Bill before them, and find or forewrite accordingly, they bring the same into the Court. So when the Clerk of Arraignments saith, You Gentlemen of the Grand Inquest Answer to your Names, and when he hath called them over by the names of the Gentlemen and <sup>you</sup> agreed of any Bills; if they be agreed on any, he takes them and saith, You are content the Court shall amend the Matter of form and false latine, altering no Matter of substance with out your privy. He separates the Bills find or forewritten Billa vera from those find or forewritten Ignoramus; and then standing turneth toward the Judges and says, Billa vera against A. B. for high treason: Billa vera against C. D. for Misprision of high treason: Billa vera against E. F. for high treason: Ignoramus quoad G. H. upon the same Bill for high treason. And so forth, till the find or forewritings of all the Bills delivered to him by the Grand jury be read. Where an Indictment is Returned Billa vera against some of the Parties Indicted, ~~and Ignoramus~~ and Ignoramus quoad the rest; the Clerk strikes immediately a forewrite with ink thro' the Names of those Returned Ignoramus; that as if they had not been Indicted so, the Bill may be substantive quoad those against whom

whom it was Returned Billa vera. If the Grand jury, upon a Division of Voices concerning the finding or not finding of any bill, come into the Court to Declare their opinion; it is usual to Collect Voices from the last in the Panel, and so backward up to the first; whereby the foreman Declares his opinion last for or against finding of the bill. After a bill of Indictment is by Verdict of a Grand jury found and presented before the Court to be tried, the Party Accused is said to be Indicted, and the Clerk of Arraignments files the Bill. But such Bills of Indictment as are Returned Ignoramus quoad all the parties therein Accused, or quite Disallowed by the Grand jury, are delivered to the Bench and forthwith cancelled or torn.

The Grand jury, may, if they Discover their secrets to be fined, and may if they make a favourable presentment be committed and fined, Nelson, Justice of peace 374 Moor 302, and if they conceal any thing which they ought to present, the Justices of peace may Impannel an Inquest, to Enquire of such Concealment and find them 3 R. 7 cap 1. <sup>Walsley's Pleas, 2. pag. 161.</sup> If one of the Grand jury is outlawed or taken at the Nomination of another, it avoids the whole Indictment ii R. 4 cap. 9.

If a Man Indicted of high treason or felony Appear not to justify himself by law, a Capias is Directed to the Sheriff to take and Imprison him; <sup>Walsley's Pleas, 2. pag. 199.</sup> tho' he be Poor, if he cannot be apprehended, he shall be outlawed, that is, pronounced to be out of the Kings Protection, and deprived of the Benefit of law, that he keep no advantage by his Contumacy and absenting or absconding from a legal trial. Which is done thus. A writ called an Exigent, is Directed to the Sheriff to call him by proclamation five county days successively to appear to answer the law upon pain of outlawry. It is called an Exigent, because it Exacteth or requires the party;