

traverser to shew cause why judgment should not be given against him; and if he fled for it, on proof of the return, proclamation should be made and notice given and duly advertised for him to surrender by a given day, failing which sentence should be passed, and take effect whenever he should be arrested. If the traverser appeared before the Court, he should be asked "what he had to say why the sentence of the law should not be pronounced against him?" and his answer should be taken in writing, and he should be free to prove if he could that it was not possible for him to have appeared, or get another to have appeared for him on his traverse, and the evidence on the trial of that issue must be taken *in extenso*, so that it may be "returned" if sought, and if he made good his case he should be allowed a special trial, to be had as speedily as in the case of a non-resident, but otherwise in the way he originally chose, unless he waives a jury he had first desired. At the trial of traverses, calling the witnesses should in all cases be the next step after calling the traverse, and default, should escheat recognizance and process issue forthwith. Where the traverse goes to the "quorum" and not to a jury, the evidence before the quorum should be taken *in extenso*, so as to be part of a return, if sought. Acquittal by the quorum should be final, save as subject, like any other decision given by it, to *certiorari*.

4th.—OF MERE MISDEMEANORS.—I propose that, with the following exceptions, these should be subjected to an extension of the principle of summary trials. I would except all seditious and offences committed by publishing, endeavoring or conspiring to publish in REGISTERED prints or publications, or conspiracy to defame by public discourses at lawfully convened or lawfully assembled public meetings, or to defame any person on account of his public conduct or office or dignity, or any matter relating thereto; likewise all misprisions of office by sheriffs, deputy sheriffs, coroners, justices of the peace, or any higher public officers; or offences against justice by advocates or suitors in the course of litigation, save contempt of Court. All these should be left to the old method. Thus the liberty of speech, the liberty of the press, the liberty of association, the liberty of the advocate, the liberty of the suitor before the law, the right of