

that the contending parties and their witnesses might not be under the necessity of travelling on Sundays to attend them.

If the use of juries should be thought fit to be continued in criminal prosecutions, they should be summoned only once a month, that the inhabitants might not be too much diverted from the care of their private concerns by their attendance on the courts in that capacity. But all those parts of the criminal prosecutions that do not require the attendance of juries, and, if the use of juries was laid aside, the whole of those proceedings should be carried on in the the weekly sessions, as well as all the civil business of the districts.

Method of proceeding in civil actions.

The method of proceeding in these courts in civil actions might be as follows. The plaintiff might bring a declaration, or plaint, in writing into court (which might be either in the French language or the English, as he thought proper) praying the process of the court to cause the defendant to be summoned to answer it, but not to be arrested by his body. This plaint should be read to the judge in open court, in order that he should determine whether or no it contained a good cause of action: and till he approved it, no summons should be issued upon it. If he approved it, he should order it to be filed amongst the records of the court by the clerk or register of the court, and should at the same time award a summons to be sent to the defendant to come and answer the plaintiff's demand at such future day as the judge should therein appoint.

If the defendant neglected to appear in court at the time appointed by the summons, without any good reason for such neglect, he should be condemned to pay to the plaintiff a moderate sum of money, to be ascertained by the judge, and which should not exceed the sum of five shillings Sterling, as a compensation to the plaintiff for his expence and trouble in attending the court, at the time appointed by the said summons, to no purpose; and he should be summoned a second time, to come and answer the plaintiff's demand at another time: and if he then also neglected to come, judgment should be given against him by default.

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