

tongue, or taken without reference to language at traverser's option, shall be resolved on the question, "Who are your country?" If none of the circumstances just stated appear, the case shall be sent for trial (delay not being ordered for "cause" shewn) to the next General Sessions of the Peace.* At a convenient stated time before the Sessions of the Peace, the quorum shall meet and enquire of the business to be done, and if no grand jury have met for a year, or if there seems to be any bill or other matter for them to take action on, then they shall make order for a grand jury to be summoned, but no petty jury if no case be then pending. If a grand jury meet without petty jury and after they are risen indictment remain to which "not guilty" has been answered, and the prisoner (showing no cause when asked to the contrary, and the composition of the jury being decided on) is ready for trial, the petty jurors necessary shall be summoned for the earliest possible day. If there be neither of the foregoing causes for calling together the grand jury, then the necessary petty jurors shall be called for the General Sessions to dispose of any pending case, and the *tales de circumstantibus*—that necessary adjunct of jury trials and coeval therewith, and the loss of which has delayed and confounded justice in this district—should be restored to that body of jurisprudence of which it is an essential member. Law provides most amply against magisterial delays, and prerogative writs as old as the monarchy itself protects the subject against this mode of denying justice.

So soon as the trial of a traverser has been fixed, the Court (that is, a justice of the peace, or officer acting as such) should bind the party either with or without sureties, according to circumstances, to appear on his traverse, and failing bail, send him to prison. Previously, all the witnesses on both sides should be bound, without fee, to appear at the traverse, and the bond should be their only notice. The traverse should be called without fee, and if traverser fail to appear either personally or by his attorney, and no cause for his default, despite of proclamation cried in and about the Court, his recognizances shall be escheated and process ordered. The conviction should then be confirmed and sent back to the Court which rendered it. On a traverse being so returned, a warrant should issue to bring the

* If none be sitting.