

(2.) *Summary proceedings* are such, whereby a man may be convicted of divers offences, without any formal process or jury, at the discretion of the judge or judges appointed by act of parliament, or common law.

(3.) Such are, 1. Trials of offences and frauds against the laws of *excise* and other branches of the king's revenue. 2. Convictions before *justices of the peace* upon a variety of minute offences, chiefly against the public police. 3. *Attachments* for contempts to the superior courts of justice.

#### SECT. XXI. *Of arrests.*

(1.) REGULAR proceedings in the courts of common law, are, 1. *Arrest*. 2. *Commitment* and *bail*. 3. *Prosecution*. 4. *Process*. 5. *Arraignment*, and its incidents. 6. *Plea* and *issue*. 7. *Trial* and *conviction*. 8. *Clergy*. 9. *Judgment*, and its consequences. 10. *Reversal* of judgment. 11. *Reprieve* or *pardon*. 12. *Execution*.

(2.) An *arrest* is the apprehending, or restraining, of one's person; in order to be forthcoming to answer a crime whereof one is accused or suspected.

(3.) This may be done, 1. By warrant, 2. By an officer, without warrant. 3. By a private person, without warrant. 4. By *hue and cry*.

#### SECT. XXII. *Of commitment and bail.*

(1.) COMMITMENT is the confinement of one's person in prison, for safe custody, by warrant from proper authority; unless, in bailable offences, he puts in sufficient *bail*, or security for his future appearance.

(2.) The magistrate is bound to

take reasonable bail, if offered; unless the offender be not bailable.

(3.) Such are, 1. Persons accused of treason; or, 2. Of murder; or 3. Of manslaughter, by indictment; or if the prisoner was clearly the slayer. 4. Prison-breakers, when committed for felony. 5. Outlaws. 6. Those who have abjured the realm. 7. Approvers, and appellees. 8. Persons accused of arson. 10. Excommunicated persons.

(4.) The magistrate may, at his discretion, admit to bail, or otherwise, persons not of good fame, charged with other felonies, whether as principals or as accessories.

(5.) If they be of good fame, he is bound to admit them to bail.

(6.) The court of king's bench, or its judges in time of vacation, may bail in any case whatsoever.

#### SECT. XXIII. *Of the several modes of prosecution.*

(1.) PROSECUTION or the manner of accusing offenders, is either by a previous finding of a grand jury; as, 1. By *presentment*. 2. *indictment*. Or, without such finding. 3. By *information*. 4. By *appeal*.

(2.) A *presentment* is the notice taken by a grand jury of any offence, from their own knowledge or observation.

(3.) An *indictment* is a written accusation of one or more persons of a crime or misdemeanor, preferred to, and presented on oath by, a grand jury; expressing, with sufficient certainty, the person, time, place, and offence.

(4.) An *information* is, 1. At the suit of the king and a subject, upon penal statutes. 2. At the suit of the