

Where a party desires not to have his case tried at the Sessions, though desirous of a jury, and shews cause to apprehend a failure of justice, whether he be prosecutor or defendant or traverser,* the judge applied to, or the Court if in term, shall make order on the case by any means fit to meet it, preferring not to send it to a higher Court if the objection can be fittingly disposed of some other way, as by ordering particular magistrates not to sit on it or the like; and the fixed "day" of Sessions should always precede the fixed time of meeting of any other criminal Court.

INQUESTS, &c.—Wherever a coroner's inquest finds murder, the party, if present, should be publicly arraigned by the coroner (whose inquisition should have the benefit of the simplifications, abbreviations and amendments of modern indictments), his plea then and there taken; if "not guilty" time and mode of trial, including the composition of the jury (if the prisoner elect for one), be then and there settled, and the return sent to the Queen's Bench and the case forthwith tried without troubling a grand jury about it as is now always done, though the law never exacts and never did exact it; and the return being sent to the Crown Office, the judge whose term of duty it shall be, shall be notified to attend, and the sheriff shall precept a special jury, and that judge and jury shall be a court for that case, and it shall by this speedy and special tribunal be disposed of, unless the prisoner has waived his jury, and then all their honors of dignity fit for the case shall have notice, and the prisoner get a special trial without delay. In all cases between the military, neither the culprit nor the injured party being a civilian, the martial law should be restored to all its former power; and all cases formerly tried by Admiralty should be restored to that jurisdiction again.

Bonds to prosecute or testify should, when called if escheated for default, be followed by the immediate arrest of the defaulter, who should be asked to shew cause why he should not be imprisoned till his bond is paid? If he excused his default by strong and special reasons, Court if minded might enter the cause shewn on record and return it into the Queen's Bench in Appeal, and the forfeiture might be there remitted or confirmed.

If the party proved that he was destitute and unable to

* See page 20.