

voices will be retained, and the "odd man" is given in favor of his language and his right. The number is that preferred for grand juries; the majority for a finding the same—the record made to follow the fact and prevent the possibility of any irreparable wrong by an error where a "partial verdict" is taken and allow "writ of error" for the correction thereof, and the present principle of the unanimity of jurors would not be trenched on, because agreement would still be expected until the contrary had been proved by the example of the fact, and then the case would be treated specially as an exception to the general principle, which would stand untouched.

In all cases except treason, misprision of treason, all seditions, and misprision of office by great public officers, or such as are at least as high as a justice of the peace, which should be excepted, parties answering indictments or suggestions should be allowed, if they chose, to prefer the Court to a jury, in which case the evidence should be taken down *in extenso* (as a guard against *error*), a process impossible before a jury, and which would make that system in practice a nuisance and a farce), and in capital cases the Court should be a special sitting of the whole Queen's Bench, absent members being supplied by the Superior Court judges, failing serjeants, as in page 24 suggested. The finding to be by majority. Debates on these latter cases at least should be secret, as the councils of grand jurors are now sworn to be (human nature needs this check against revenge where life, at least, is in question); and all such trials should be sought when issue is joined, and taken out of the way of the jurymen in attendance, so as not to delay them. The stated assemblages of Courts needing juries should be again as once they were, held in winter, and where once a-year is enough they ought to be held as formerly, if not still, in some English counties, only once a-year. Wherever an indictment for a matter within the jurisdiction of the Sessions is found at another Court, if none appear either to prosecute or to answer it, at the finding the judge shall cause proclamation to be made for any who know cause why it should not be sent to the Sessions to shew it, and if no cause appear it shall be sent down to the Sessions on the last day of the term (or assize).*

* The same whenever no cause is shewn.