

decision of the court; for the argument of these *a dies concilii* had to be moved for.

In those days, in many actions the defendant could be compelled to give special bail or remain in custody until the trial of his action, etc., etc. What was done was for the plaintiff to issue a writ of *capias ad respondendum* and place it in the hands of the sheriff. The sheriff was bound to execute the writ by arresting the defendant. The theoretically regular practice was then for the sheriff to produce the defendant in the Court of King's Bench, with a return "*cepi corpus*," i.e., "I have seized the body of the defendant and have it ready." The defendant will have present two sureties and they enter into a recognizance that if the defendant be condemned in the action he will pay the amount and costs, or render himself a prisoner, or they will pay for him. If he did not pay, they could deliver him into custody and for that purpose were entitled to a warrant for his arrest.

Wednesday, November 9, 1825, Michaelmas Term, 6 George IV. (Præs. Campbell, C.J., and Sherwood, J.), "*John Donaghue delivered to bail upon a Capi Corpus to Matthew Donaghue, of the Home District, Yeoman and David Bates of the same place, yeoman, at the suit of Israel Ransome.*" This tells the story.

There were still echoes of the war of 1812. Wednesday, April 26th, 1826. Easter Term, 7 George IV. (Præs. Campbell, C.J., and Sherwood, J.), "*Rex v. John McDonell*. Motion for leave to take a certified copy of the indictment for high treason filed in the crown office against the above defendant John McDonell, James E. Small, Esq., for defendant, Granted." In the previous Term Book are several instances of motions made by the Solicitor-General, for copy of jury panel to give to prisoners about to be tried for high treason—those curious about the existence of treason at that time may look at the Provincial Statute, (1828), 9 George IV., c. 18.

The last matter I shall notice is proceedings taken in cases of alleged smuggling. The court was given the power of the Court of Exchequer in England in revenue cases, in cases of goods seized or contraband, in 1795 by 35 George III., c. 4—and it was