

9. ' All Bailiffs of Hundreds and Liberties, in respect they are bound  
' to give an account of all Sessions Procefs.

10. ' All Coroners, &c.

' That the Justices of peace are compellable to appear at the Sessions  
' of the peace is out of doubt; for without their appearance the Sessi-  
' ons cannot be holden. And in this case no one is more bound than  
' another to attend, unless some great Men, and Men of the Law, who  
' are exempted by 12 R. 2. 10. & 2 H. 5. 4. and those Statutes re-  
' quiring the Sessions to be held. For default thereof all persons in  
' Commission (unless exempted by the Statute) are equally punishable;  
' and if two, three, or more, shall hold the Sessions, why the rest should  
' not appear to perform the duty, and to bear the burthen, or neglect-  
' ing should not be punished, there can be no reason given. And there-  
' fore, I conceive, 1. That such as do not appear are within the danger  
' of 12 R. 2. 10. whereby for defaults by them in not holding the Sessi-  
' ons, or not so long as is thereby appointed, they are to be punished by  
' the Kings Council in their discretion; which whether it be the Kings  
' Privy Council, or the Kings Learned Council, *i. e.* the Judges of the  
' Laws, or who else it be, 'tis not for me to determine; for that every  
' one that is absent is guilty of not holding the Sessions. Or, 2. Such  
' Justice of peace may be indicted or informed against in the Kings  
' Bench for such default, it being a neglect of his Office, and fined for  
' the same; especially if those Omissions are frequent and usual. Or,  
' 3. There is great reason to put him out of the Commission of the  
' peace for such neglect. Or, 4. I see no reason but the Justices of  
' peace in Sessions may proceed by Information or Indictment against  
' such Defaulter, and proceed to Fine or Imprisonment: and the rea-  
' son given by Mr. *Lambert* (*lib. 4. p. 3. fol. 383.*) I think will not hold  
' here; for what they do in Sessions they do as a Court, and not as  
' particular persons; as was lately holden in the Case of Sir *Nicholas*  
' *Stoughton* in the Kings Bench, who being a Justice of peace in *Surrey*,  
' was required by the Court of Sessions there for to find Sureties for the  
' Good Behaviour, upon the complaint of one *Gilham*, for threatening a  
' Juror for presenting a matter there, and for not giving security was  
' committed: and this was resolved to be well done for the reason afore-  
' said; which reason to my observation will also hold in case of any  
' neglect or miscarriage against the Court of Sessions, even by a Justice  
' of peace; or otherwise against any Law whereof they as a Court have  
' cognizance.

' The Jurors not appearing according to their Summons are pu-  
' nishable by loss of Issues, which usually make part of the Estreats  
' of Sessions. As also the Constables by Fine to be set on them.

' The Justices being met to hold the Sessions, the usual course is  
' with three Oyes to proclaim the Sessions, and then read the Com-  
' mission of the peace; which done, to call the Constables, and out  
' of them to make one or more Juries for Grand Juries, or Juries of  
' Presentment; who being sworn, the charge is given them to call  
' the Recognizances, especially such as are to prosecute and give Evi-  
' dence, that so Bills may be drawn and prepared. To which pur-  
' pose an able Clerk is requisite, that so Labour, Time and Charge  
' may not be spent in vain; which Bills being already, the parties  
' bound over for that purpose are sworn to give Evidence upon the  
' Bills: and the course is to bid the Evidence go with the Jury, where  
' they