

Regular and the Evidence Legal and such as fully proves the point in issue. But it having been found by Experience, that prosecutions for high treason against the King, for for and misprision of such treason, are generally managed for the Crown with greater Skill and Zeal than ordinary prosecutions; and it being highly just and Reasonable, that persons prosecuted for any Crime whereby their Liberties, Lives, Honours, Estates, Blood and posterity may be lost and Destroyed, should have a fair and Equal trial, and not be Debarred or a bridge of any just and Equal Means of Defending and Clearing their Innocence. Now a person Accused and Indicted for high treason whereby any Corruption of blood may be made to the offender or his heirs, or for misprision of such treason, is admitted to make his full Defense by Counsel learned in the law; and in case he Desires Counsel, the Court before whom he is tried, or some Judge thereof will immediately upon his Request, assign him such and so many Counsel, not exceeding two, as he Desires, who are to have free access to him at all reasonable hours. The Prisoner is also allowed to have a true Copy of the Indictment Delivered to him five days at least before the trial upon payment of the officers fee for writing thereof, not exceeding five shillings Sterling, and a copy of the Jurors Return by the Sheriff (not of the witnesses Names) Delivered to him two days at least before the trial 7 W. 3. cap. 3 § 11. Altho' the trial cannot be till issue joined, the Arraigning a prisoner being no part of the trial: yet the Reason for giving him a copy of the Indictment so long before the trial being that he may advise with his Council what to plead; and being he may have Reason to move objections to quash the Indictment, or to plead in Abatement, or other pleas, which after pleading the general issue of not guilty, he could not do, the Judges allow him a Copy of the Indictment five days before Arraignment or before he be put to plead, Rookwood Crim. 9. 12. After the Decease of the

Prisoner, who now Styles himself King James 8, a person Indicted for such high treason shall have a copy of the Indictment with a list both of the witnesses to be produced for proving thereof, and of the Jury Mentioning their Names profession and place of Abode Delivered to him in presence of 2 or more Credible witnesses ten days before the trial 7 St. cap. 21 § 11.

A person against whom an Indictment of high treason is found by the Grand jury being in Custody, the Clerk of Arraignments calls to the Keeper of the prison to bring such a prisoner to the Bar of the Court. If the prisoner doth not understand the British language, an Interpreter must be procured and sworn to Explain to him what the Court says; and to them what his Answers do amount to. When the Clerk to distinguish the prisoner's person, bids him hold up his hand, (but one Indicted of misprision of treason is not bid hold up his hand) and may ask him what his Name is or by what name and title he is commonly known by? and if he own the Name and Addition of title given him in the Indictment, tells him he stands here Indicted by that Name of high treason. If the Name or title of such prisoner be Mistaken the Grand jury should be sent for into court, and the Name of the Prisoner and his title, which he owns before them, made Right in the Indictment, by and with the privacy and Consent of the Grand jury, who, after the Bill is amended, must take it into some of their hands and Deliver it back into court, Indorced billa voce. When the Clerk of Arraignments turning to ward the Judges, Deposits again billa voce against A. B. for high treason or billa voce against C. D. for misprision of high treason, according to the Nature of the Indictment thus amended.

A Narrative of the time and place, when and where