

The Clerk doth not bid a prisoner for Misprision of high treason hold up his hand at the time of his pleading to it (that crime not being felony) but tells him he stands indicted of Misprision of high treason by the Name of R.C. for that he did as in the indictment. And asks him whether he be guilty of that offence of Misprision, or not guilty? If he answer not guilty the Clerk enters on the indictment over his Name, per adjournment R.C. vs R.C. Po. fo. Or if he confess, Coign. without asking him how he would be tried. This then bids the Keeper takes him from the Bar.

As soon as the prisoner hath pleaded Not guilty, four of the Justices or Commissioners (unus quorundam) may sign and seal a writ or procept called a Venire facias for summoning a jury of 12 good lawfull Men & vicars of the Neighbours hood in the county or place where the crime was committed, who are supposed to know the fact best, to appear before them at a certain day and place to assist upon the trial. This writ is directed to the Sheriff of the County, or bailiff of some Liberty or Stewart of some Feudal barony or steward to whom it should be directed, it must be signed out to the Coronor, Styles pract. Reg. for those who return the Jurors must be supposed not liable to any suspicion of partiality  
A Venire facias to the Sheriff runs thus

When a stranger is to be tried, he may before the procept is issued for calling a Jury pray the Court to allow him the Benefit of trial per Medietatem Linguae <sup>by a party Jury</sup> that is, by Jurors who are of the one half are aliens if so many Aliens can be had 27 Edw. 3 cap. 8. 28 Edw. 3 cap. 19. 8 H. 6 cap. 29, which is called a party Jury. These aliens need not be freeholders, or to be all of the same Nation with the party to be tried, but every one may be of a different foreign Nation Styles Pract. Reg. 341. Hawkins's pl. Cr. lib. 2 chap. 43 § 35 but the English half of the Jury ought to have torments to the same value as in other cases Hawkins's ibid. However no Medietatem Linguae is allowed to an Alien indicted of high treason Pulton's cases 193. b. Hale's pl. Cr. 260. Hawkins's ibid. § 37. Also the King may, if he think fit, make a special grant to an Alien to be tried for treason by a Jury whereof the one half shall be aliens Hawkins's ibid. Jural per Medietatem Linguae is not granted to those Outlandish Vagabonds who call themselves Egyptians 18 Edw. 3. cap. 453. Nor can any Alien have advantage of trial per Medietatem Linguae, unless he pray for it in time before the return of a Commune Venire: for he cannot have the Advantage of it by way of Challenge Hale's pl. Cr. 261. Hawkins's ibid. § 40. But if on a venire of half Britons and half Aliens, the Sheriff return

If both parties in a Trial are Aliens, the Jury should be all Britons. Hawkins's ibid. § 38