

the place where the offender dwells; and he shall find cause of suspicion. That any Justice of Peace of that County, &c. or to whom complaint shall be made, shall require him to take the Oath; and if the party refuse, the party authorized to give the Oath may commit the party refusing to prison without Bail, until next Sessions or Assizes, where the Oath shall be again tendered him, the party refusing shall incur a *Præmunire*, except *Femes Covert*, who shall be committed until they take the Oath.

See also the Statutes of 1 *El.* 5 *El.* 1. 3 *Jac.* 4 & 5. What persons ought to take the Oaths of Supremacy and Obedience, and before whom. *E: hic, Tit. Recusants.*

Two such Justices, &c. may take the Oaths of the Under-Sheriffs, and their Officers, &c. See the title *Sheriffs.*

Swearing profanely. See more *Chap. 55.*

No Person may maintain, That the taking of an Oath in any case whatsoever (though before a Lawful Magistrate) is unlawful, and contrary to the Word of God; nor may wilfully refuse to take an Oath, by the Laws of the Land being duly tendered, nor may perswade any other to refuse and forbear the taking the same so tendered; nor go about by Printing, Writing, or otherwise, to maintain, That the taking of an Oath in any Case whatsoever, is unlawful; upon the Penalties in the said Act, as upon Quakers. For which, see *Quakers.*

C H A P. LXVIII. V. 37.
Partridges.

11 H. 7. 17. **I**F any person (shall out of his own Warren, and upon the Freehold of another, without the Consent and Licence of the Owner or Possessor) take Feasants or Partridge by Nets, Snares, or other Engines, he shall forfeit 10*l.* A moiety to the Prosecutor, and the other moiety to the Owner or Possessor. And the Justices of Peace have Authority to bear and determine it, as well by Inquisition as by Information and Proof. *§. 1. With Nets*

23 El. 10. P. Feasants. P. Just. 38. Every Justice of Peace (by the Statute of 23 *Eliz.*) may examine all Offenders, for the destroying or taking of Partridges or Feasants in the night-time; and for Hawking or Hunting with Spaniels, in any Eared or Codded-corn; and may bind by Recognizance the Offenders with good Sureties to appear at the next General Sessions of the Peace to answer their said offences, &c. Which Justices in Sessions have power thereby to bear and determine the same: The Forfeiture for a Feasant is 20*s.* and for a Partridge 10*s.* And if not paid within ten days after conviction, then to have one months imprisonment without Bail. The one moiety of the Forfeitures to the Lord of the Liberty, the other moiety to the Prosecutor by Action, &c. But if the Lord of the Liberty shall License, dispense with, or procure such taking; the whole Forfeiture shall go to the Poor, to be recovered by one Church-warden, &c. *§. 2. In the night. Forfeitr.*

But now by the Statute made 1 *Jac.* 27. & 7. *Jac.* 11. the offences of destroying, &c. of Partridges and Feasants (generally) is referred to two Justices of Peace, to examine, hear, and determine out of Sessions. *Vide hic infra.*

23 Plo. 10. P. ibid. Also after the conviction of any such offender (according to the Statute of 23 *Eliz.*) for taking and destroying any Partridges or Feasants in the night time, any one Justice of Peace of that County, may bind such offenders