

At the Assize in the Country, the Justices have their several power, as the Justices of Gaol-delivery, Oyer and Terminer, and Justices of Peace.

But when the Records are made up, they must be according to the power they made election to proceed upon.

This is the regular and legal course. But the Clerks of the Assizes promiscuously make Entry thereof; but if a Writ of Error be brought, they must certify according to Law, or else it will be erroneous; and so upon a Certiorari.

The Sessions of London may be begun at the Guildhal, and then adjourned to Newgate; if some Indictments be at Guildhal, then those must be so certified: If others at Newgate, then the adjournment must be mentioned, and that the Indictment was then taken.

Note, That the tryal of Indictments taken before Justices of the Peace of London, cannot be tried at Newgate, as in nature of a tryal before Justices of the Peace at London, for many of the Commissioners for Gaol-delivery are not Justices of the Peace for London, but in such Cases the tryal must be before the Justices of Gaol delivery: As upon Indictments taken before the Justices of the Peace of London; as in the Case of Indictments taken before the Justices of the Peace of Middlesex.

But if Indictments at Newgate be originally taken before them, as Justices of Gaol-delivery, then it is inquirable how the Jury sworn and impanelled to inquire at the Sessions of the Peace for London or Middlesex, do serve to present Indictments before the Justices of Gaol-delivery at Newgate, unless the custom and usage will warrant the two several Juries sworn at the Sessions of Peace for London or Middlesex, are also by the same Oath and impanelling, to serve for the Grand Jury for the Commission of Gaol delivery, Oyer and Terminer.

Upon Conference with the Clerks for Newgate of London and Middlesex, and the Clerks of Assize, and view of the several Entries, more certain resolution may be given, as occasion may be offered, in any particular Case.

Next, here is a consideration to be had of three sorts or degrees of Poor.

1. Poor by Impotency and Defect.

- 1. The Aged Decrepit, that are past labor.
- 2. The Infant, Fatherless and Motherless, and not able to work.
- 3. The Person naturally disabled, either in wit, or member, as an Ideor, Lunatick, Blind, Lame, &c. not being able to work.
- 4. The person visited with grievous diseases, or sickness, though casually, yet thereby for the time being impotent.

S.35.
Poor, three
sorts.

All these (being impotent and not able to work) are to be found and provided for by the Overseers of necessary relief; and are to have allowances proportionable, and according to the continuance and measure of their maladies, and needs; and of these it may be said, *Si non pavisti, occidisti.*

2. Poor by Casualty.

- 1. The person casually disabled, or maimed in his Body, as the Souldier, or Laborer, &c. maimed in their lawful Callings.
- 2. The Housholder decayed by casualty of Fire, Water, Robbery, Suretyship, &c.
- 3. The poor Man overcharged with Children.

3 Mar.Br.
Com.24.