

In case of *Premunire*, the Offender (being attainted upon the Statute of 16 Rich. 2.) shall forfeit all his Lands which he hath in Fee for ever, and all his Goods and Chattels to the King; but his Lands, whereof he hath an Estate tail, he shall forfeit only during his life; and shall be imprisoned during his life. But some do hold, That if the Offender be attainted upon the Stat. of 27 Ed. 3. cap. 1. there the Offender shall forfeit nothing, if he appeareth at the day of the *Premunire* returned. See the Stat. *& B. Prem. 6. & Cromp. Autor ders pots 97.* Yet others do hold, That as upon the Statute of 16 R. 2. cap. 5. the Offenders shall forfeit their Lands and Goods if they be attainted (*Br. Prem. 6. & 20.*) so upon the Stat. of 27 E. 3. if the Offender do appear and plead, and be found guilty, he shall have the Judgment of *Premunire, sc.* to be put out of the Kings Protection, and shall forfeit his Lands, Goods and Chattels to the King, and his Body shall be imprisoned during his life, (or until he hath made fine and ransom at the Kings will.) See the Stat. and Co. 11. 34. and the old *Natur. Bre. fol. 159. Co. L. 130, & 391.*

Now for the Offenders in High Treason, Misprision of Treason, and *Premunire*, although the Justices of peace (by their Commission, nor by Stat.) cannot meddle with them in the very point of their Offences, saving in some particulars, and that by way of inquiry only, which you may see *hic antea, tit. Felony.* Yet for that all Treasons, and such other Offences are against the Peace of the King, and of the Realm, therefore upon complaint made to the Justice of peace, or other knowledge had by him of any such Offenders, it shall be his part to cause such Offenders to be apprehended, and to joyn with some other Justice of peace in taking their Examination, and the information upon Oath of such as bring them, or of others that can prove any thing material against them, and to put the same in Writing (under the hands of the Informers) and then to commit the Offenders to the Gaol; and also to bind over by Recognizance all such as do declare any thing material, to appear and give evidence against such Offenders, before the Lords of the Kings Majesties Privy-Council, or in the Kings Bench, or at the Assizes and Gaol-delivery, or elsewhere, when they shall be called upon reasonable warning, and after to certifie their doings therein to some of the Lords of His Majesties said Council.

Note that all Treasons, Misprision of Treason, and concealment of Treason, done or committed out of the Realm, shall be inquired of, and tried within the Realm, *sc.* in the Kings Bench, or else before special Commissioners. See Stat. 35 H. 8. cap. 2. & 5 E. 6. cap. 11. *P. Treas. 18. & Dyer 287, 298. 132, 360. Co. 7. 23. & 11, 63.*

Petty Treason. C H A P. CXLII. V. 91.

§. 1. *Defaid.* Petty Treason is, when wilful Murther is committed (in the Estate Oeconomical) upon any subject, by one that is in subjection, and oweth faith, duty and private obedience to the party murdered, as in these cases following.

§. 2. *By a Ser- vant.* If a Servant maliciously killeth his or her Master or Mistres, this was Petty Treason by the Common Law, *Stamf. 10. 1. Br. 8. 12. & Co. 11. 34. & 25 E. 3. cap. 2.*

A Servant of the age of thirteen years killed her Mistres, it was adjudged in her Petty Treason, *Br. Treas. 12.*