

not to be seised; nor committed to the Town, nor taken out of the Felons house or possession. For a Man attainted of felony shall forfeit such Goods as he hath at the time of the Attainder, and not at the time of the felony committed; and a Felon or Traytor, after the Felony or Treason committed, and before Attainder or Conviction, and Judgment given upon him, may sell (*bona fide*) for his sustenance, &c. his Goods or Chattels, be they real or personal; but yet they may not disorderly sell or waste their Goods. Therefore it seemeth, that the Officer may still take Surety that the Goods be not imbezelled; and for want of Sureties may seise them, and praise or value them, and then deliver them to the Town safely to be kept, until the Offender be convict or acquitted. See *Br. Forf.* 44. where Mr. *Brook* delivers his opinion, That this Order ought to be observed of every one which committeth felony, until he be attainted.

Nay, after Attainder, if they shall grant their Goods or Lands, it shall bind all Persons, except the King and Lord by Escheat; but against them such Grant is void. And as to their Lands, relation is to be had to the day of the felony committed, by the Attainder, by Verdict, Utlary, or otherwise, *Stamf. de Prerog.* 48. *Relation*

After the Conviction of a Felon, (if the Goods were in the Felons possession at the time of his Conviction) the Town presently stands charged therewith, and shall answer for the loss or impairing of them, though the Goods were never seised by the Officer, nor delivered to the Town, (except they can shew what other Person hath detained those Goods, and that they could never have possession of them; which Exception is by Statute of 31 E. 3. P. *Espreats* 3.) So that it shall be safe for the Town to seise such Goods (in whose hands soever they be found) presently after the Conviction of any Felon; and then it shall be safe for them to do it by Inventory, taken in the presence, and by the Testimony of some other honest Men: Yet *quare*, for, by the opinion of *Prisot*, none may seise any Goods for the King, but an Officer who is accountable to the King, 49 H. 6. 1. *Br. Reseis.* 15.

Conviction in felony is, where a Man (being indicted of felony) upon his Arraignment, submitteth himself to be tried by the Country, and then is found guilty by the Verdict of twelve other Jurors; or shall confess the Offence upon his Trial, or is Outlawed for the same, (*scil.* is pronounced Outlawed of the felony at the County Court.) Also Conviction in all other Offences (by the Common Law) is, where the Offender is indicted, or the Offence presented by a Jury, whereto the Offender pleadeth *Not guilty*, and is found guilty by the Verdict of twelve other Jurors; or by a second Jury, &c.

And yet a Popish Recusant indicted thereof (at the general Gaol-delivery, or Quarter-Sessions for the Peace) and Proclamation there made, commanding the Offender to render his Body to the Sheriff of the same County, &c. If at the next Gaol-delivery or Sessions, the same Offender so proclaimed, shall not make appearance of Record, such default recorded shall be a sufficient Conviction in Law of the said Offence, 29 El. cap. 6. & 3 Jac. 4. P. *Recusants* 13. 42. *Recusant*

And sometimes (in other cases) upon Proclamation made, if the party shall not appear and yield himself, he shall be thereby convicted or attainted of the Fact, &c. See 5 H. 4. cap. 6. 11 H. 6. cap. 11. 13 H. 6. cap. 7.

And (by divers Statutes) you shall find that an Offender may be convicted (out of Court) either upon the View and Record of the Justice of Peace, or by the Confession of the Offender, or upon Examination of Witnesses

Br. Forf. 58. Co. 8. 171. Stamf. 162

Co. 11. 366

Stamf. 193 194

Co. 11. 30. & 58.

P. R. 179. Dyer 275.

Co. 11. 30.

§. 3. conviction

Recusant