

nesses before one or two Justices of Peace, and that out of the Sessions. See here *antea*.

And sometimes Conviction may be in the Sessions, upon the Certificate or Presentment of the Justice of Peace. See *tit. Ale-houses and High-ways*.

And sometimes by Confession, or Examination of Witnesses in Court, without any Verdict taken. See *Cromp. 130, 131, B. Confess. 32*.

§. 4.
Attainder.

And in some Cases, Conviction shall be taken for Attainder. See *Co. 11. 59, 60*.

The difference between Attainder and Conviction in case of Felony, is, The Person attainted hath Judgment of Death given upon him: The Person Convict, before Judgment, prayeth his Clergy, and hath it, and so preventeth the Judgment, &c. Or after Verdict, Confession or Utlary, the Felon is said to be convicted till Judgment be given. Co. 11. 58.
Stamf. 138
& 185. b.
Co. L. 390. b.

And so a Man is properly said to be Indicted, when the Offence is first found by the great Inquest, or other Jury of Inquiry.

2. Convicted, when the Offender, having put himself upon his Trial, is found guilty by a second Jury; here he is Convict, before he hath Judgment.

3. Attainted, when (after such Conviction) Judgment is given against the Offender, and thereby his Lands are forfeited, and his Blood corrupted, *Co. L. 391*.

Examination of Felons, and Evidence against them. O H A P. CLXIV.
Vide III.

§. 1. **W**hen any Person shall be brought before a Justice of Peace for Murder, Manslaughter, or any other Felony (wherewith the Justice of Peace may deal) or for suspicion thereof; before the Justice shall commit or send such Offender to prison, he shall take 2 & 3 Ph.
& Ma. 13.
P. Just.
108.

1. The Examination of such Offender.

2. The Information of such as bring him, *viz.* He shall take their Examination and Information of the Fact, and the Circumstances thereof: And so much thereof as shall be material to prove the Felony, he shall put in Writing within two days after the said Examination.

3. Also the same Justice of Peace shall bind all such by Recognizance, as do declare any thing material to prove the Felony, to appear at the next general Gaol-delivery, (to be holden where the Trial of the said Felony shall be) then and there to give in Evidence against such Offenders. See *antea tit. Felony*.

4. And then the same Justice shall make his *Mittimus*, to carry the Offender to the Gaol.

Or if such Offender beailable, (and that there be two Justices of Peace present together, the one of them being of the *Quorum*) after such Examination and Information taken, and put in writing, the said Justices of Peace may bail such Prisoner. 1 & 2 Ph.
& M. 13.
P. Just.
107.

5. And the said Justice or Justices of Peace shall certify at the next general Gaol-delivery such Examination, Information, Recognizance and Bailment.

And if any Justice of Peace shall offend in any thing contrary to the true intent and meaning of either of these Statutes of 1 & 2, & 2 & 3 Ph. & Ma. the Justices of Gaol-delivery, in their discretions, shall fine every such Justice of Peace.

And