

that no Justice or Justices of peace shall let to bail any person contrary to the aforesaid Statute of *Westm. 1.* (made 3 *E. 1.*) *cap. 15.* and so the Statute of *Westm. 1.* is now as a line, whereby the Justices of peace are to guide themselves in cases of Bailment; I will shew here what persons areailable by that Statute of *Westm. 1.* and what not.

3 *E. 1.* 15.
P. Main. 1.
F. N. B. 66. By this Statute of *West. 1.* no prisoner shall be let to bail which is taken in any of these 13 Cases following.

1. Such as have abjured the Realm shall not be bailed.
2. Nor any Approver or Appellor, for that he confesseth the Felony, and himself guilty, before he can burthen or accuse another, as Coadjutor or Helper with him in doing the same.
3. Nor he which is appealed by an Approver, so long as the Approver doth live, except he be of good Name, or that the Approver doth waive his Appeal; see *Stamf. 74.* or that the Approver be vanquished, 25 *E. 3.* 42.
4. Nor he which is taken for burning a House, &c. feloniously. *Vide antea Felony by the Common Law.*
5. Nor any Excommunicate person, taken (at the Bishops request, *sc.* upon his Certificate into the Chancery) by the Writ of *Excom. capiend.* *F. N. B. 66. c.*

And yet when the party is so taken, if he will conform himself to the Laws of Holy Church, and give Surety for his Obedience, he shall have a Writ *de Cautione admittenda*, directed to the Bishop; and if the Bishop will not; then he shall have a Writ to the Sheriff to deliver him. See *Fitz. 63. c. d.*

6. Nor any Felon taken within the manner.
7. Nor a Thief openly defamed and known.
8. Nor he which is Outlawed in case of Felony; and yet in some cases such as be Outlawed may be bailed by the Court, &c. See *Stamf. 74.*
9. Nor he who hath broken the Kings Prison. *Vide antea Felony by Statute.*

10. Nor he which is taken for Treason touching the King himself.
 11. Nor he which is taken for falsifying the Kings Mony.
 12. Nor he which counterfeiteth the Kings Seal, *Br. Mainpr. 59.*
- In all these former Cases, if the cause for which the party is imprisoned be Treason or Felony, or otherwise toucheth Life or Member, then shall he not beailable; otherwise it seemeth he may be bailed
13. Nor he which is taken for a manifest Offence; as if a Man be indicted and imprisoned for a Riot, or other great Offence, before Justices, by force of the Kings Commission of Oyer and Terminer, this (and the like) are the manifest Offences whereof the Statute speaketh. See *Fitz. 250. f.*

West. 1. 15.
P. Main. 2. But by the same Statute of *West. 1.* such persons areailable, which be taken in any of these six cases following.

First, He that is taken (or indicted) for light suspicion of Felony, isailable. See *Lamb. 335. F. N. B. 249. g. 250. c. 251. f.*

Stamf. 74.
c. He that is taken upon suspicion of Burglary, Robbery or Theft, if he be not of evil Fame; nor that there be any strong presumption against him, it seemeth he isailable.

16 *E. 4.* 7.
Br. Main. 95. A Man had stollen certain Hogs, and (for that he was of evil Fame) he was committed without Bail; yet if he could have brought proof or witness that he bought them; he should have been bailed.

Crom. 154 A Man is arrested for suspicion of Felony, and brought before the Justice; if it shall appear that there is no such Felony committed, the party may be set at liberty without Bail: but if there be a Felony committed,