

One *Poynes* was found guilty of Manslaughter before the Coroner, and it was certified in the Kings Bench; and *Poynes* at Bar prayed to be bailed, but it was denied him: For (as *Coke* said) peradventure it may be Murder. And it appears by the Statute of *Queen Mary*, that in Manslaughter the party is not alwaysailable, for if he confesses the Fact he is notailable; which *Haughton* granted, and said, that he is notailable if the Fact be notorious, which the Court granted. *Poynes* Case, *Mich. 13 Jac. Rolls Rep. part 1. p. 268.*

Also a Man convicted of Felony remaineth in Prison, and after obtaineth the Kings Pardon; the Justice of Gaol-delivery may bail him till the next Gaol-delivery, that he may then come with his pardon and plead it, 2 *E. 6. Br. Mainp. 94.*

4. Those that be charged with the receipt of Thieves or Felons, or of commandment, or force, or of aid (in Felony done) beailable. 4. Accessaries.

And it seemeth that Abettors, Consenters and Procurers, and all other Accessaries to Felonies, are within the equity of this Statute, and areailable: yea, Accessaries (as well in case of the death of a Man, although it be Murder, as in case of other Felonies) areailable (if they be of good Fame, until the principal be convicted or attaint; but after the principal is attainted the Accessary shall not be bailed, but kept in prison: and yet if (after the Attainder of the principal) the Accessary shall appear, and plead not guilty, or other plea, it seemeth he shall be bailed. The reason is, for that when the Accessary shall make default, then is it as a *fugam fecit*, and a great case of suspicion of the thing; but when he appeareth, by that the suspicion is now taken away, and so he isailable. See more in *Br. Mainp. 6, 9, 22, 54, 64 & 97.*

If a Man be Accessary to two, and the one principal is attainted, though the other be not, yet the Accessary shall not be bailed.

In Felony, if the principal die in prison, or be attainted of another Felony, the Accessary shall be bailed, *F. Cor. 378. Br. Mainp. 91.*

But note, that in case of Treason neither the principal nor accessary shall be bailed.

Also the said Statute of *West. 1. cap. 15.* doth no more restrain the principals (to be bailed) than the Accessaries, in those cases where the same Statute doth not prohibit to let to Main-prise: and therefore if a Man be indicted of Burglary as principal, yet he may be bailed, *Stamf. 74. Br. 56. 29. Aff. Pl. 44.*

Also the principal in an Appeal of Robbery may be bailed; and so may he be bailed upon an Indictment of Robbery, *Br. 61, 75 & 97.* yet in an Appeal of Robbery the Book *6 H. 7. f. 1. b.* seems to the contrary.

But the principal in the death of a Man is notailable; either by the Common Law; or by the Statute of *West. 1.* yet see hereof before in this Title, that the Justices of the Kings Bench do use to bail them. Also see there for what Homicides the Justices of Peace may bail one that is a principal.

5. Fifthly, those that be charged with (or guilty of) any Trespas that toucheth not loss of Life nor Member, beailable by the Statute of *West. 1. 15.* But yet let the Justice of Peace have a care, that Bail be not prohibited by any other later Statute in such cases of Trespas. 5. Trespas.

If any Person be committed to prison by Process from the Sessions made upon an Indictment upon any Penal Statute (not prohibiting Bail, or for any Trespas) he may be bailed (out of Sessions) by two Justices of the Peace, the one being of the *Quorum.*

Or