

Or he may have a Writ out of the Chancery directed to the Justice of Peace, or to the Sheriff, to take Surety of him for his Appearance before the Justices at their Sessions, &c. Or he may have a *Certiorari* to the Justices of Peace, to remove the Record into the Kings Bench; and a *Habeas Corpus* to the Sheriff, to remove the Body thither also, *Fitz.* 250. g. *h. i. & 251. c.*

If Proceſs from the Sessions shall go forth upon an Indictment of Treſpaſs, &c. it ſeemeth that any one Justice of Peace may take Bail of the party to appear at the day, &c. to answer to the Indictment: and the ſame Justice may thereupon make his *Superſedeas de cap. Indictat.* (and ſo of the Exigent;) for otherwiſe, beſides the miſchief of Imprisonment, the party may be outlawed before the Sessions. See ſome precedents therein, *poſtea tit. Precedents.*

Note, that the Juſtices of Peace are not to bail any priſoner, except the priſoner be committed for ſuch cauſe whereof the ſaid Juſtices of Peace be competent Judges, *ſc.* ſuch Cauſes as they may hear and determine.

And therefore if a Man be taken upon Proceſs of Rebellion iſſuing out of the Chancery, the Juſtices of Peace are not to bail him. And *M. Cromp.* reporteth of two Juſtices of Peace who were fined for bailing one in ſuch a caſe.

If a Man be arreſted by force of any Proceſs, Writ, Bill or Warrant, in any Action perſonal, the Juſtices of Peace are not to bail him.

Perſons condemned in any of the Kings Courts, and by virtue thereof committed to priſon; and perſons being in Execution upon any Statute or Recognizance, &c. at the Suit of any perſon, the Juſtices of Peace are not to bail any ſuch.

Approv. 6. Sixthly, he that is appealed by an Approver (being no common Thief, nor defamed after the death of the Approver) is bailable by the ſaid Statute of *Weſt.* 1.

An Approver or Appellor is he who hath committed ſome Felony, which he confeſſeth, and then appealeth others, accuſing then that they were Coadjutors or Helpers with him in doing the ſame. *Et ſic dicti, quia ad hoc probandum, quod in Appello allegarunt tenentur, idque vel Duello, vel per Patriam, ſc. Jurat. legalium hominum, juxta reorum electionem. Cow.*

And this Accuſation by the Approver muſt be done before the Coroner, either aſſigned to the Felon by the Court, to take and record what he ſaith; or elſe may be called by the Felon himſelf, and required for the good of the King and the State to record his Accuſation, and what he ſaith, *Ibid. Exceptiones contra Apellam. Vide Bract. lib. 3. c. 20. &c.*

Note, That a Man cannot become an Approver (or an Accuſer of others) before Juſtices of Peace, (for that the Juſtices of Peace have no authority to aſſign him a Coroner;) nevertheleſs it ſeemeth both reaſonable and ſerviceable, that if a Felon will become an Approver, that is, will confeſs his Felony, and alſo accuſe others that were Coadjutors with him in doing the ſame Felony, (or other Felonies) before a Juſtice of Peace, that ſuch Juſtice may take his Confeſſion, and commit him to the Gaol, and may alſo grant out his Warrant for the apprehending of the others, that are ſo accuſed.

Concerning an Approver, obſerve theſe Rules.

1. One cannot be an Approver, but in Felony or Treason, 9 H. 6.
2. One cannot be an Approver, but upon Indictment only, 1 H. 7. 5.

3. An

Crom. 197
234.

Lamb. 337
Crom. 152

P. Main. 2.
Fitz. 250.
d.

Stam. 144

B. Peace
Abr. d'All
72, 76.

Stam.