

‘ Bills, and not for not presenting things not so first complained of, but
 ‘ in not finding Bills drawn up and presented to them to find; for the
 ‘ words are doubtful.

‘ Such Inquiry or Concealment must be made within the year after
 ‘ such Concealment.

6. ‘ Such Amercement must be reasonable, although directed to be by
 ‘ discretion, which must be *sana & legalis*; concerning which Mr. Dalton
 ‘ hath given many sound directions and advices: and see *F. N. B.* 175. in
 ‘ the Writ *De moderata misericordia*.

7. ‘ It seemeth reasonable the Inquest ought to consist of as many or
 ‘ more as the first Inquest did; for this is a way of attainting a Jury
 ‘ which is *criminis accusare, vel suspicione criminis attingere*.

8. ‘ Notwithstanding any trivial complaint, the Justices of Peace may
 ‘ take or not take such Inquests as they see cause; for it is left to their
 ‘ discretion by the Statute.

9. ‘ Such Amercement on Jurors for Concealment must be set in *plein*
 ‘ Sessions, not *plain* (as I take it) as the printed Book is.

‘ If any Jurors shall either upon an Issue of a Traverse in any thing not
 ‘ Felony, or which is Felony, doubt upon the Evidence what the Law
 ‘ is, they may (as it seems) give a special Verdict in Sessions as in the
 ‘ Courts of Gaol-delivery or Assizes, and that by the Common Law be-
 ‘ fore the Statute of *West. 2. c. 3.* for that Statute is but declaratory of
 ‘ the Common Law, *Co. 2. Inst.* 425.

§. 7.
 Special
 Verdict.

Tryal. CHAP. CLXXXVII.

7 Jac. 1.

‘ IF any commit in *Scotland* any Offence, which by the Laws of *England*
 ‘ is or shall be declared or adjudged to be Petty Treason, Murder,
 ‘ Manslaughter, Felonious burning of Houses and Corn, Burglary, Rob-
 ‘ bing of Houses by day, Robbery, Theft or Rape, and shall fly into *Eng-*
 ‘ *land*, and be apprehended in the Counties of *Northumberland*, *Cumber-*
 ‘ *land*, *Westmerland*, or within the parts or places lying on the North side
 ‘ of the River *Tine* called *Bodlingtonshire*, *Northamptonshire* and *Island-*
 ‘ *shire*, the Town and County of *Newcastle upon Tine*, and Town of *Ber-*
 ‘ *wick upon Tweed*, or Liberties thereof: it shall and may be lawful for
 ‘ the Justices of Peace in their general Quarter-Sessions, or any 4 of them,
 ‘ upon due examination and pregnant proofs, by Warrant under their
 ‘ Hands and Seals to remand and send such Offenders into *Scotland* there
 ‘ to receive Trial, &c.

§. 1.
 Scotland.

‘ The Trial of an Offender ought regularly to be in that County
 ‘ where the Offence was committed; unless any Statute doth otherwise
 ‘ provide, as some do, *viz. 1 & 2 Ph. & M. c. 4.* and divers others. But
 ‘ if one steal Goods in the County of *A.* and carry them with him into
 ‘ the County of *B.* and be there apprehended; he may be tried and
 ‘ punished for the same in the County of *B.* for in this case *Facinus se-*
 ‘ *quitur personam.* 1 *Jac. 11.* Bigamy shall be tried where the party is
 ‘ apprehended.

§. 2.
 County.

‘ The Trial of Felonies, and of things and offences, for which a person
 ‘ is notailable, or the party cannot get Bail, but lies in prison, ought
 ‘ to be as speedy as may be *in favorem libertatis*: and therefore it is usual
 ‘ to indict them and try them at the same Sessions. See before in *SeSSI-*
 ‘ *ons.* But in other causes of Indictment for breach of Penal Statutes,
 ‘ or for Nuisances, or for other misdemeanors not made Felony, they can-
 ‘ not

§. 3.
 The same
 Sessions.