

'imposed by Act of Parliament is quite altered. 2. The mischiefs intended to be remedied go unredressed. 3. Many times the Poor, who are by direction of several Acts to have the penalty, are thereof defrauded,

How Justices of Peace may defend themselves against Suits.
C H A P. C L X X I X.

7 Jac. 12. 'IF any Action, Bill, Plaint, or Suit upon the Case, Trespass, Battery, §. 1.
'or False Imprisonment, shall be brought any where against a Justice *General*
'of peace, &c. for any thing done *virtute officij*, it shall be lawful for *Issue.*
'them, or any other that act in their aid, assistance or commandment,
'to plead the General Issue, and to give the special matter in evidence.
'If the Verdict pass for the Defendant, or the Plaintiff be Nonsuit or
'Discontinue, the Judge shall allow double Costs. *Costs.*

21 Jac. 12. 'Which Statute was to continue but for 7 years, but is made perpe- §. 2.
'tual by 21 Jac. 12. and it is thereby enacted, That all Actions upon *County.*
'that Statute shall be laid in the proper County where the Fact was
'done; and if upon the Trial the Plaintiff shall not prove the Fact done
'in that County where the Action is laid, the Jury shall find the Defen-
'dant Not Guilty: and in case of such Verdict, Nonsuit or Discontinu-
'ance, the Defendant shall have his double Costs.

'A Constable may make a Deputy, and may plead the General Issue, *Constable.*
'and thereby take benefit of 7 Jac. 5. as was resolved M. 13 Jac. B. R.
'Phillips contra Winchcombe, Moors Rep. p. 845. Bulstr. part 3. p. 77.

Clergy. C H A P. C X C.

'WHAT Clergy is, with the beginning and use thereof, see Hobart §. 1.
'Rep. Searle and Williams case p. 288. *what.*

'By the Common Law one committing Sacrilege shall not have his §. 2.
'Clergy: *Frustra enim petit auxilium Ecclesie, qui peccat contra Ecclest-* *By Com-*
'*am.* *mon Law.*

'Also for High-Treason no Clergy was allowed at Common Law,
'1 Inst. 150. 336. but in all other cases the Offender might; and some
'say in all Treasons but those against the Kings Person.

'By the Common Law every person in Holy Orders might estfoons §. 3.
'have had the benefit of the Clergy, and so might others also, as it
'seems by 4 H. 7. 13. But as to all except those in Holy Orders it is re-
'strained to once by that Statute: and every person so convicted for
'Murder to be marked with an M in the brawn of the left Thumb, and
'for other Felony with a T; and those marks to be made by the Gaoler
'in open Court before the Judge.

'By the Stat. of 28 H. 8. c. 1. persons in Holy Orders shall be burnt
'in the Hand, and used as others be. See 32 H. 8. c. 3.

'And by the Statute of 23 H. 8. 1. 28 H. 8. 1. 32 H. 8. 3. Clergy is taken §. 4.
'away in these cases: *whire.*

1. 'Persons found guilty after the Laws of the Land for petit Trea-
'son.

1 E. 6. 12. 2. 'For wilful Murder of malice prepensed or Poisoning.

1 E. 6. 12. 3. 'Or for robbing of Churches or Chapels, or other Holy Places.

4. 'Rob-