

or Offence, then needeth there no Process at all, for he shall be forthwith committed to prison (commonly) there to remain until he hath paid his Fine, or given Surety for it, 1 H. 7. 20. & Br. Imp. 100.

Also these Processes shall be always directed to the Sheriff, (who is the immediate Minister and Officer of the King to execute all Process) except the Sheriff himself or his Officers be parties: but if the Justice of peace be to grant out Process against the Sheriff, Under-Sheriff, or their Officers, offending contrary to the Statute 8 H. 6. c. 9. or 11 H. 7. c. 15. which you may see here before; it seemeth such Process shall be directed to the Coroners of the County, and shall be served by them. And so are divers Books, as 2 H. 6. 12. 8 H. 6. 30. 9 H. 6. 11. & 18 Ed. 4. 7. and others. And so also the Oath of the Justices of peace seemeth to bind them.

Note also, that this Process ought always to be made in the Name of the King: and for that the King is party, it must be with a *Non omittas propter aliquam libertatem*, &c. But the Teste thereof may be under the Name of the Justice of peace.

If the Offender be within any Liberty or Franchise, the Sheriff is to enter the Franchise, and to execute the Process himself, (and not to write to the Bailiff of the Franchise, because the King is a party.) See 41 Aff. 17. Br. Franch. 18. 31.

The Forms of these Processes to be made by the Justice of peace out of the Sessions seem to be as followeth.

The Venire Facias thus.

CAROLUS, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ, Rex, Fidei Defensor, &c. Vic' Com' Cantabr' salut'. Præcipimus tibi quod non omittas propter aliquam libertat' in balliva tua, quin Venire fac' A. B. de D. in dicto Com' tuo Yeoman, conam R.M. Mil' & D.M. Armig' duobus Justic' nostr' ad Pacem conservand' necnon ad diversas Felon' Transgr' & alia malefacta in dicto Com' perpetrata audiend' & terminand' assignatis, apud Linton in Com' tuo, 20 die Martij prox' futur' ad respond' nobis super quibusd' articulis versus ipsum A. B. presentatis. Et habeas ibi tunc hoc Præcept'. Teste R.M. & M.D. apud Linton 30 die, &c.

The Distringas thus.

CAROLUS, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor, &c. Vic' Com' Cantabr' salut'. Præcipimus tibi quod non omittas propter aliquam libertat' in balliva tua, quin eam ingrediaris, & distringas A. B. de D. in Com' tuo Yeoman, per omnia terras & tenementa, &c. Et quod de exitibus eor' respondeas, &c. Et quod habeas corpus ejus coram, &c. Justic', &c. ad respond', &c. Teste, &c.

The Writ of Capias thus.

CAROLUS, Dei gratia, Angliæ, &c. Vic' Com' Cantabr. salut'. Præcipimus tibi quod non omittas propter aliquam libertat' in Ball' tua quin eam ingred' & capias I.D. de A. in Com' tuo Yeoman, &c. si invent' fuerit in Balliva tua, & eum salvo custod' fac' ita quod habeas corpus ejus coram R. M. Mil' & M.D. Armig' duobus Just' nostris ad Pacem conservand' necnon ad diversas Felon' Transgr' & alia malefacta in eodem Com' tuo perpetrata audiend' & terminand' assign' apud L. in Com' tuo, 20 die Martij prox' futur', ad re-