

3. And must put in Writing such Examinations and Informations, or so much thereof as shall be material to prove the Felony, and must certifie the same to the next general Gaol-delivery.

4. And after such Examination and Information taken, then the Justice must commit such Felons to the Gaol, or may bail them if they beailable; but then there must be two Justices together, and the one of them of the *Quorum*. See *Postea, tit. Bailment*. 1 & 2 Ph. & Mac. 13.

5. And must bind over (by Recognizance) the Informers (and all such as do declare any thing material to prove the Felony) to appear, and to give evidence against the Felon, at the next general Gaol-delivery to be holden within the County, City, or Town-Corporate, where trial of the said Felony shall be. *2 Ph. & Ma. cap. 10. See hic, cap. 3.*

If such Informer be unable to travel, &c. then the Justice of Peace may take his Information upon Oath, and may certifie the same, *ut supra, &c.* and may forbear to bind such Informer to appear personally before the Justices at the Gaol-delivery, &c.

*Note, That in case of Treason or Felony, the party accused may require reasonable time to answer any Interrogatories, and having answered, ought to have Copies of his Examination, if he desire it. Co. Instit. 2 Part, p. 51. The Cases of Just. Richil, 1 Hen. 4. And the Lord Carew, 16 Jac.*

If the Justice of Peace shall not certifie such Examinations and Informations to the next Gaol delivery, or if the Justices of Peace shall not certifie their Bailment, or shall not bind over the Informers to appear; and to give Evidence against the Felon at the next general Gaol-delivery, as aforesaid; the said Justices of Peace shall be fined (for every such default or offence) at the discretion of the Justices of Gaol-delivery. *1 & 2 & 3 Ph. & Ma.* 6 Ed. 6. 25. 3 H. 7. 1.

§. 2. But yet if it be for Petty Larceny, or other small Felonies determinable at the Sessions, the Justices of Peace may bind over the Informers, and may certifie the Examinations and Informations to the next Quarter-Sessions of the Peace: And this was the advice and direction of Sir David Williams Knight, (late one of the Justices of the *Kings Bench*) at the Assizes at *Cambridge*. For, said he, it was not meet to keep poor Prisoners in the Gaol for small Matters of Felony from one Assizes till another; and therefore he gave order, that the Justices of Peace (at their General Session of the Peace) should try and deliver Offenders for small Felonies.

§. 3. Besides, the Justices of Peace of every County, as well by virtue of their Commission, as also by force of the Statutes of *18 Edw. 3. 2. 34 Edw. 3. 1. & 17 Rich. 2. 10.* have Authority to proceed to the delivery of Felons, and to hear and determine, and to give Judgment upon all Felonies, whereof any person shall be indicted before them, and are not restrained by the Statutes of *Ph. & Ma.* but that they may proceed therein before the coming of the Justices of Assize and Gaol-delivery, as it seems, the words of the Commission to that purpose are, *Assignavimus vos Justiciarios nostros ad Pacem, &c. Ac etiam ad inquirend. de omnibus & omnimodis Feloniis, &c. Et ad omnes, & singulas Felonias, &c. audiendum & terminandum; & ad delinquentes castigandum & puniendum. Vi. Plo. 485. b.* P. Just. 1. 18. 18. Stamp. 58. Lib. Int. 335 Co. 9. 118.

And for that purpose also, the aforesaid Statutes of *28 Ed. 3. 34 Ed. 3. & 17 Rich. 2.* have ordained, that some Learned in the Laws shall be put into the Commission of the Peace in every County within this Realm.

Also there be divers Statutes which by special words did ordain, that the Justices of Peace should have Authority at their General Quarter-Sessions to inquire of, hear and determine certain Felonies. As the Statutes,