

or two of them, &c. And such Tryal to be by the Inquisition and Verdict of His Majesties Household-servants in the *Check-Roll*, 33 *Hen. 8. cap. 12.*

3. Imbezilling of any Record; Writ, Return, Panel, Process, or Warrant of Attorney, in the *Chancery, Exchequer, the one Bench, or the other, or in the Treasury*, whereby any Judgment shall be reversed; every such Offence is made Felony in such Imbezillor, Stealer, or taker away, and in their Procurers, Counsellors, and Abettors, by the Statute of 8 *H. 6.* But such Offences are by the same Statute appointed to be tried by a Jury of Twelve Men, whereof the one half to be of the Men (*scil.* of the Officers and Attorneys) of the same \* Courts, who shall be sworn before the Judges of the said Courts, *scil.* of the one Bench, or of the other, to inquire of that Offence: And if they shall indict the Imbezillors of such Record, &c. they shall be arraigned thereupon before the same Judges, as in Cases of other Felonies. 8 H. 6. c. 12.  
Co. 11. 34.  
\* P. Fel. 18.

4. Rasing of any such Record is also Felony, within the said Statute of 8 *H. 6.* and to be tried as aforesaid. *Br. Coron. 174.*

*Note, the entring of a false Will Nuncupative, is not properly Forgery, but it must be of a Will in writing. Millers Case, 2 Jac. C. B.*

5. Forging of any Deed or Writing sealed, or of any Court-Roll, Will or Acquittance, or to cause or assent to be made any such forged Writing, to publish or shew forth in Evidence any such forged Writing, knowing the same to be forged; if any person being once lawfully convicted of any of the said Offences, shall afterward commit any the said Offences again, every such second Offence is made Felony by the Statute of 5 *Eliz.* But by the same Statute such Offences are to be inquired of, heard and determined, by and before Justices of Oyer and Terminer, and Justices of Assize. 2 R. 3. fol. 10.

And therefore whereas one *R. Smith* was indicted at the Sessions of the Peace in the County of *Oxford*, upon the said Statute of 5 *Eliz.* for forging of a false Deed, it was adjudged by the whole Court in the *Kings Bench*, 30 *Eliz.* that the same Indictment was not well taken: For although the Justices of Peace by their Commission have power (of Oyer and Terminer) to hear and determine Felonies and Trespasses, &c. and have in their said Commission an express Clause, *Ad audiendum & terminandum*, and so are Justices of Oyer and Terminer, yet it was resolved by the Court; That forasmuch as there is a Commission of Oyer and Terminer known distinctly by that name, and the Commission of the Peace is known distinctly by another name, the said Indictment taken before the Justices of the Peace at their Sessions, was not well taken; therefore it was quashed. 5 EL. c. 14.  
Co. 9. 118.  
Cro. 120.

The Reason of this last Case and Judgment, seemeth to hold in the former Cases, and in all other like Cases, where any Statute doth specially give Authority to any other distinct Court, or to other Justices or Commissioners, (leaving out the Justices of Peace) to inquire of, hear, and determine, or to try Felons, &c. There the Justices of the Peace (at their Sessions) cannot inquire thereof, &c.

6. Servants imbezilling or taking away the Goods of their deceased Master, the Executors of the party deceased may have a Writ directed to the Sheriffs; to make open Proclamation two Market days, that such Offenders shall appear in the *Kings Bench* at a certain day. And if such Writ be returned, that Proclamation is thereupon made accordingly, then, if the said Persons, which should appear by reason of the said Proclamation, do make default, and do not appear in the *Kings Bench* at the