

the day specified in the said Writ, they shall be attainted of Felony, by the Statute of 33 Hen. 6. So that such Offence of Servants imbezilling their said Masters Goods, beginneth first to the Felony upon their default of appearance in the *Kings Bench* after Proclamation; of which default the Justices of Peace cannot take notice, for that they have not before them the Record of such default, or not appearing; and therefore the Justices of Peace cannot inquire of such Felony, &c. *Cromp. 56. Lamb. 529.*

But in the former Cases, If any such Offender shall be brought before any Justice of Peace, and charged with any such Felony: *Quere*, How far the Justice of Peace is to deal, or what he is to do therein, considering the Justices of Peace are no Judges of such Felonies; neither have they any Jurisdiction given them by the Statutes in such Cases: And yet for that, they are by their Commission authorized to deal with all Felonies, as also with all Offences against the Peace of the King and Realm, of which sort all these last recited Offences are. *Quere*, If the Justice of Peace shall not do well to examine the Offence, and then to certifie his Examination to such persons as by the Statute are made Judges of the Cause; and also to commit such an Offender to Prison, to bind over the Informer, and to take their Information upon Oath.

Again, If a man had been Feloniously stricken in one County, and after died thereof in another County, (by the Common Law) no Indictment could be taken in either of the said two Counties, for that the Jurors of the County where such party died (of such stroke) could not take knowledge of the said stroke, (being in a Foreign County,) nor the Jurors of the County, where the stroke was given, could not take knowledge of the death in another County. But now by the Statute of 2 & 3 Edw. 6. an Indictment thereof found by Jurors of the County where the death shall happen (whether it shall be found before the Coroner, or before Justices of Peace, or other Justices, &c.) shall be good and effectual in Law: And that the Justices of Gaol-delivery, and Oyer and Terminer in the same County, where such Indictment shall be taken, shall and may proceed upon the same, as if such stroke and death had been all in one and the same County.

Also where Felons had Robbed or Stolen Goods in one County, and after conveyed their spoil, or Goods so stolen, into another County, to their adherents there, who, knowing of such Felony, received the same Goods. In this Case, although the Principal were after attainted, the Accessary notwithstanding escaped by reason that he was Accessary in another County, and that the Jurors of the said other County (by the Common Law) could take no knowledge of the principal Felony in the first County. But now by the said Statute of 2 & 3 Edw. 6. It is Enacted, That where any Murther or Felony shall be committed and done in one County, and other persons shall be Accessary (in any manner) to any such Murther or Felony in any other County, that an Indictment thereof found or taken against such Accessary before the Justice of Peace, or other Justices, &c. in the County where such offence of Accessary shall be committed, shall be good and effectual in Law; and that the Justices of Gaol delivery, or Oyer and Terminer, of, or in such County where the Offence of any such Accessary shall be committed; shall write to the *Custos Rotularum* where such principal shall be attainted or convicted, to certifie them whether such principal be attainted, convicted, or otherwise discharged of such Felony; and thereupon the

33 Hen. 6.  
c. 1.  
Rast. pl. fo.  
529.

5. c. 12.  
l. 34.

l. 18.

fol.

Co. Instit.  
3 part. P.  
135.  
Rast. pl. 5.

l. 14.

118.  
20.

Co. 2-117.

S. 4.  
W. and in  
one County  
Death in  
another.