

And of the Receivers of such Superstitious things.

For all these last recited Offences against the Statutes of 5 Eliz. 1. 13 El. 2 & 23 Eliz. 1. See more fully *Postea tit. High Treason.*

And if any such Offender against any of these last mentioned Statutes shall be brought before any Justice of Peace, and charged with any such Offence, it shall be the Justices part, to take the Examination of such Offenders, and to bind over the Accusers and (material) Informers to appear (and to prefer a Bill of Indictment, and thereupon to give Evidence to the Inquirors against such Offenders) at the next Quarter Sessions (as it seemeth) or rather at the next Assizes, or General Gaol-delivery, or else in the *Kings Bench*, whensoever (upon reasonable warning) they shall be thither called; and then to commit the Offender to the Gaol; and after to certifie the said Examinations, Informations, and Recognizances (by him taken) to the said Sessions of Gaol-delivery, or into the *Kings Bench*, &c.

In other Cafes of High Treason, or Misprision of Treason, what the Justices of Peace out of their Sessions, shall do with such Offenders brought before them. See *Postea tit. Misprison.*

But now to return to the business of the Justices of Peace out of their Sessions.

If one shall bring a Man, suspected of Felony, before any Justice of Peace, but refuseth to be bound to give Evidence against the Prisoner (either at the General Gaol delivery, or Quarter Sessions, as the Case shall require;) if such Bringer hath given Evidence before the said Justice against the Prisoner, or can declare any thing material to prove the Felony, and will not be bound to give Evidence upon his Tryal, the Justice of Peace (upon his discretion) may commit to Prison such Person so refusing, or may bind him to his Good Behaviour, and to appear at the next Gaol-delivery or Quarter Sessions. But if the Bringer of a Person suspected of Felony cannot declare any thing material to prove the Felony, nor any other Person then present, it seemeth the Justice ought not to commit the Prisoner: And so was the Direction of Sir David Williams at the Assizes of Cambridge aforesaid. Yet the Justices shall do well to examine the Prisoner, and if he shall not confess the Felony, then to commit him; or if upon his Examination there shall appear any just cause of suspicion, or if the Prisoner be a Man of evil fame, and that there be a Felony committed. In these Cafes, the Justice shall do well not to let him go, but at least to bind him over to the next Gaol-delivery, and in the mean time to take farther Information against him. See the other title *Felony, Postea.*

S. 7. Refusers to give Evidence.

*Fairs, vid. tit. Markets.*

C H A P. XLI. Fees.

Generally, as I have said elsewhere, any Publick Officer shall take no other Fees or Rewards, for doing any thing relating to his Office, than some Statute in force gives him; or else, as hath been antiently and accustomedly taken: And if he do otherwise, he is said to do it *coloro officii*, and he is therein guilty of Extortion. I shall therefore, for the Justices of Peace direction. herein, take notice of some Fees, they and others are to take, and leave them to inquire for the rest in some proper titles in this Book.

S. 1. Where due.

Lamb. 530.

Cromp. 101. b.

5 Eliz. 1. 23 Eliz. 1.

73 Eliz. 2. 23 Eliz. 1.

23 Eliz. 1.

3 Eliz. 2. 21 Eliz. 1.