

the double Value of the Goods so taken, to him that is so hurt in that behalf, by Action of Debt to be pursued by like Process, Judgment, and Execution, as is commonly used in other Actions of Debt sued at the Common Law; (6) and that no Essoin or Protection be allowed in any such Action; nor that the Defendant in any such Action be admitted to wage or do his Law.

Every Justice of Peace may admit a Prisoner to Bail. Rep. 3 H. 7, c. 3. 1 & 2 Ph. & M. c. 13. Escape of Felons inquirable by Justices of Peace. 1 Lutw. 132. Cro. El. 749. 43 Ed. 3, f. 24. Cro. 193.

As to the first part of this Statute, see the note on 3 E. 1, c. 15, and as to escapes, the note on 1 E. 2, Stat. 2.

Forfeitures for felonies are now abolished, see Code, Art. 30, sec. 190;¹ but by the succeeding sections, the estate of any person convicted and sentenced to imprisonment in the penitentiary is made liable for reparation to the party injured, and afterwards for the expenses of the apprehension, prosecution, &c., of the offender, and execution may issue for such reparation. The party injured may also maintain a civil action against the offender before or after conviction.

Lord Coke, 3 Inst. 229, calls attention to the generality of the words "or other persons," and says, "First, before indictment the goods or other things of an offender cannot be searched, inventoried or in any way seized, nor after indictment seized and removed or taken away before conviction and attainder. Secondly, that the begging of the goods or state of any delinquent, accused or indicted of any treason, felony, or other offence, before he be convicted and attainted, is utterly unlawful, because before conviction and attainder, as hath been said, nothing is forfeited to the king or grantable by him. And besides, it either maketh the prosecution against the delinquent more precipitate, violent and undue than the quiet and equal proceeding *of law and justice would permit, or else by some un- **252** derhand composition and agreement stop or hinder the due course of justice for exemplary punishment of the offender: and lastly, when the delinquent is begged it discourageth both judge, juror and witness to do their duty." An instance of an action on the Statute is Hill v. Langley, Cro. Eliz. 749; the declaration alleged that the plaintiff being imprisoned upon suspicion of felony, the defendant took his goods before he was convicted or attainted *contra formam statuti*, and demanded the double value. After verdict for the plaintiff, it was moved in arrest of judgment that the declaration was bad in not alleging that they were seized for this cause, for if the defendant took them as trespasser, an action does not lie on the Statute. But the Court held that it should be intended that he seized them for this, if none other was shown, and the addition *contra formam, &c.*, explains it and makes it good if it were before ambiguous. And another instance is Osborne v. Wandel, T. Raym. 414, where trespass was brought, and where it was also held that money was goods within the Statute. As before ob-

¹ Code 1904, Art. 27, secs. 457 *et seq.* See Md. Dec. of Rights, Art. 27; U. S. Const., Art. 3, sec. 3.