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**A N A L Y S I S**  
 O F T H E  
 Second B O O K  
 O F T H E  
**Pleas of the Crown.**

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**A**LL Courts of criminal Jurisdiction are Courts of Record, (ch. 1. sect. 14.) and derive their Authority from the Crown, ch. 1. sect. 1, &c.

The Principal Courts of this Kind are,

1. The Court of the Lord High Steward, ch. 2.
2. The Court of King's Bench, ch. 3.
3. The Court of the Constable and Marshal, ch. 4.
4. The Court of the Justices of Oyer and Terminer, ch. 5.
5. The Court of Justices of Gaol-Delivery, ch. 6.
6. The Court of the Justices of Assize and Nisi prius, ch. 7.
7. The Court of Sessions of Justices of Peace, ch. 8.
8. The Court of the Coroner, ch. 9.
9. The Sheriff's Torn, ch. 10.
10. The Court-Lect, ch. 11.

The first Thing to be done in order to the bringing a Criminal to Justice is to arrest him.

Arrests are either without Process from a Court of Record, or by Virtue of such Process.

And first, Arrests without such Process, are either.

1. By Private Persons, or,
2. By Publick Officers.

Arrests of this Kind by Private Persons are either,

1. Such as are commanded and enjoined by Law, (ch. 12. sect. 1. to 3.) or,
2. Such as are permitted by Law, ch. 12. sect. 4. to 8.) or,
3. Such as are rewarded by Law, ch. 12. sect. 22, &c.

Arrests of this Kind by Publick Officers, are either,

1. By Watchmen, (ch. 13. sect. 1. to 7.) or,
2. By Constables, (ch. 13. sect. 7. to 12.) or,
3. By Bailiffs of Towns, (ch. 13. sect. 12.) or,
4. By Justices of Peace, which are either,
  1. By Parol, (ch. 13. sect. 14.) or,
  2. By Warrant, ch. 13. sect. 15. to the End of the Chapter.

Persons arrested are either to be bail d, ch. 15.

Or committed, ch. 16.

Persons may be criminal in preventing the bringing of Offenders to Publick Justice, several Ways,

1. Before any Arrest made,
2. After an Arrest.

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Persons may be so guilty before any Arrest made,

1. By opposing an Arrest, ch. 17. sect. 1.
2. By suffering a Criminal to escape, ch. 17. sect. 2, 4.
3. By flying from an Arrest, ch. 17. sect. 3. ch. 49. sect. 14, 15, 16.

Persons may be so Guilty after an Arrest, either in Respect of an Arrest of themselves, or of others.

Their Offence in Respect of an Arrest of themselves, if without Force, is called an Escape, ch. 17. sect. 5.

If with Force, is called a Breach of Prison, ch. 18.

Their Offence in Respect of the Arrest of others, is either,

1. Without Force, or,
2. With Force.

Such Offences, without Force, come under the Notion of Escapes, and are either,

1. By Officers, (ch. 19.) or,
2. By Private Persons, ch. 20.

Such Offences with Force come under the Notion of Rescous, ch. 21.

Secondly, Arrests by Process from a Court of Record may be made by Virtue of two Kinds of Process,

1. Upon such as is awarded by the Discretion of the Court, upon a bare Suggestion, or the Knowledge of the Justices.

Upon such as is awarded on an Appeal, Indictment, or Information.

Process of the first Kind is generally called an Attachment, (ch. 22.) and lies either against,

1. The Officers of the Court, as,
  1. Sheriffs, and Bailiffs, ch. 22. sect. 2. to 6.
  2. Attornies, ch. 22. sect. 6 to 12.
  3. Other Officers of the Court, ch. 22. sect. 12.
  4. Jurors, ch. 22. sect. 14 to 25. or,
2. Against others, as,
  1. Inferior Judges, ch. 22. sect. 25 to 30.
  2. Counsellors, ch. 22. sect. 30.
  3. Gaolers, ch. 22. sect. 31.
  4. Any other Persons whatsoever, ch. 22. sect. 33. to the End of the Chapter.

Process on an Appeal, Indictment, or Information, supposes such Appeal, Indictment, or Information to be first exhibited.

An Appeal is either,

1. By an innocent Person, which may either be by Writ, or by Bill, ch. 23.
2. By an Offender confessing himself Guilty, who is commonly called an Approver, ch. 24.

Indictments (ch. 25) are of two Kinds,

1. Such as are grounded on the Common Law, ch. 25. sect. 53 to 101.
2. Such as are grounded on Statute, ch. 25. sect. 101 to 120.

Informations are of two Kinds;

1. Such as are merely the Suit of the King, ch. 26. sect. 1 to 17.
2. Such as are partly the Suit of the King, and partly the Suit of the Party, ch. 26. sect. 17. to the End of the Chapter.

Process on an Appeal, Indictment, or Information, may be either considered,

1. In General, without any Particular Regard to Process of Outlawry, ch. 27. sect. 1 to 113.
2. In Particular, with Regard to such Process only, ch. 27. sect. 113. to the End of the Chapter.

A Criminal being brought into Court is to be arraigned, or put upon his Trial, the Manner whereof may be considered,

1. As it relates to all Criminals in general, ch. 28.
2. As it relates to Principals and Accessories in Particular, ch. 29.

The Party being arraigned, either,

1. Stands Mute, (ch. 30.) or,
2. Confesses, (ch. 31.) or,
3. Pleads.

Pleas are either,

1. Dilatory, or,
2. In Chief.

The Dilatory are either,

1. Declinatory, or,
2. In Abatement, ch. 34.

The Declinatory are either,

1. Of the Privilege of Sanctuary, (ch. 32.) or,
2. Of the Benefit of the Clergy, ch. 33

Pleas in Chief are either,

1. In Bar, or,
2. The General Issue, ch. 38.

The Principal Pleas in Bar are,

1. That of *Autrefois acquit*, ch. 35.
2. That of *Autrefois attainé or convict*, ch. 36.
3. That of Pardon, ch. 37.

The Plea of Not Guilty is triable either,

1. By the Country, or,
2. By the Peers, (ch. 44.) or,
3. By Battle, ch. 45.

In order for a Trial by the Country a Jury must be returned,

1. From the proper County, ch. 40.
2. By proper Process, ch. 41.
3. Before a proper Court, ch. 42.

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## *Pleas of the Crown.*

The Jurors being returned into Court may in many Cases be challenged.

Such Challenges may be considered either,

1. Without any particular Regard to Aliens, or,
2. As they particularly relate to Aliens, ch. 43. sect. 34 to the End of the Chapter.

Those of the first Kind, are either,

1. Such as may be taken on the Part of the King, (ch. 43. sect. 2. 3.) or,
2. Such as may be taken on the Part of the Prisoner,

A Challenge may be taken on the Part of a Prisoner, either,

1. Peremptorily, (ch. 43. sect. 5 to 10) or,
2. For Cause, ch. 43. sect. 10 to 34.

The Jury being sworn, are to be guided by their Evidence, ch. 46.

Whereupon they must give some Verdict, either General or Special, ch. 47.

Judgments in Criminal Cases are of two Kinds,

1. Such as expressly sentence the Party to the Punishment proper for his Crime.
2. Such as give no such express Sentence.

Of Judgments by such express Sentence there are two Kinds,

1. Such as are fix'd and stated, and always the same for the same Species of Crimes, ch. 48. sect. 2 to 14.

2. Such as are discretionary and variable according to the different Circumstances of each Case, ch. 48. sect. 14 to 21.

Of Judgments which give no such express Sentence, there are also two Kinds,

1. Outlawry, ch. 48. sect. 21, 22, 23.
2. Abjuration, ch. 48. sect. 24.

The most considerable Consequences of an Attainder, &c. are,

1. The Forfeiture of Lands and Goods, ch. 49. sect. 1 to 42.
2. The Loss of the Wife's Dower, ch. 49. sect. 42 to 47.
3. The Corruption of Blood, ch. 49. sect. 47 to the End of the Chapter.

Forfeitures of Lands and Goods are either,

1. By the Common Law, (ch. 49. sect. 1. to 18.) or,
2. By Statute, ch. 49. sect. 18 to 30.

Judgments may be avoided either,

1. Without Writ of Error, ch. 50. sect. (10 to 17.) or,
2. By Writ of Error,

They may be avoided by Writ of Error, either,

1. For Faults apparent in the Record, ch. 50. sect. 1.) or,
2. For Matters *dehors* the Record, ch. 50. sect. 2 to 10.

The Party condemned is either to be,

1. Reprieved, (ch. 51. sect. 8, 9.) or,
2. Executed, ch. 51. sect. 1 to 8.

BOOKS