

sufficient Manucaptors, and that cannot be unless there be two at the least: And (as me seemeth) it may well be collected by the Book in 33 E. 3. and 36 E. 3. for there it is said. *Ilz font ses gardens & ilz rendra del escape*, and again one such Manucaptor: But here may a Question arise, How often for one Offence a Man may be let to Bail?

CHAP. IX.

How often for one Offence a Man may be let to Bail.

IF a Man be imprisoned, indicted, or appealed for any Offence, for the which he isailable, and is accordingly let to Bail, and afterwards make Default, and doth not appear according to the Condition of his Bail and his Mainprizers Recognizance, and afterwards is arrested and apprehended again, in this Case a Justice of Peace may deny him Bail. And that the Law should be so, it is proved by the Book-case 2 H. 4. fol. 24. by the Opinion of all the Justices, where it is said in the like Case, *Que il ne serra my per Mainprize apres.* But because it may fall out, that to be let to Bail, may be denied to him that isailable by the Law, it is good to see what Remedy the Law hath provided for the Prisoner so detained in Prison, to be let to Bail.

CHAP. X.

What Remedy a Man in Prison, andailable by the Law, hath to be let to Bail.

HE that is imprisoned for any Offence, whereof he isailable by the Law, may have a Writ de Manu capione, directed to the Sheriff of the same County, that he shall take Sureties of him to appear, and to let him at large; which Writ in divers Forms, and in special Cases appeareth in the Register.

If a Man be wrongfully detained in Prison, he may have a Writ De Homine replegiando, which doth also appear in the Register.

It appeareth by Bracton, that in his Time there was a Writ in Use for this Purpose, which was called a Writ De odio & Atia, touching which the Words be these: *Sed cum iniquum est quod innocentes, sicut illi qui criminosi non sunt diu inclusi derinen in carcere, ideo ad lachrymosam querelam parentum & amicorum de gratia Domini Regis fieri solet Inquisitio, utrum hujusmodi imprisonati de morte hominis culpabiles essent de morte illa, vel de hujusmodi inquisitione nullum debere derogari*, and there setteth down the Words of the Writ.

Now it is to be understood, that at that Time when Bracton writ, and so long Time after, the Sheriff by Writ or Commission to him directed, used to take Securities and Judgments of Murder and Felony, and to hold Pleas of the Crown, which afterwards being denied unto him by the Statute of 2 E. 3. ca. 4. as I take it, de Odio & Atia, hath lost his Force.

But here a Question may be demanded, whether a Man committing any Offence upon the Sea, or within the Jurisdiction of the Admiralty; for which, if the same had been committed upon the Land, he might have been bailed: Whether the Commissioners of the Admiralty may let him to Bail, or no, either before or after Indictment?

CHAP. XI.

In what Cases the Commissioners of the Admiralty may let Prisoners to Bail, either before or after Indictment.

AND first I take it (*sine prejudicio melioris sententiae*) that the Commissioners of the Admiralty cannot let to Bail any Persons imprisoned for any Offence, or for Suspicion of any Offence committed upon the Sea, or within the Jurisdiction of the Admiralty, before the Person so imprisoned be thereof indicted, although in that Case if the Felony or Offence had been done upon the Land, the Party had beenailable: And I am induced to be of that Opinion for the Consideration following:

First it is to be agreed, That before the Statute 28 H. 8. ca. 13. All Murthers, Robberies, Piracies, and other Offences done upon the Sea, were determined by the Civil Law, which Law was in that Behalf found very defective: Forasmuch as by that Law none of the said Offences so committed, could be punished without the Testimony of two competent