

he may be forth-coming to answer an Appeal, if it shall happen to be brought.

Thus that Statute; as to the latter Clause whereof, you see the Judges have Power, in Case of Acquittal, to keep the Party in Prison still, till the Day and Year be over; or else to admit him to Bail; and though this be left to their Discretion, yet it must not be such a Discretion, as confounds all Discretion; but they must weigh the Circumstances, and go according to Law and Judgment; and certainly the Law intended such Bail, if any be accepted, should be bound Body for Body, for otherwise it seems no Security. And therefore many wise Men wondered, when Count *Conningsmark* was acquitted on the Indictment for the barbarous Murder of Esquire *Thynn*, that he was suffered to go so soon abroad, for being a Stranger, he was never like to come again into *England*; and being so rich, what values he to discharge the Forfeitures of his Sureties Recognizances, which likewise may be easily compounded? At most, the Forfeiture is to the King, and what is that to the next Heir or Kinsman? He is by this means outed of his legal Remedy to revenge the Blood of his near and dear Relation.

The Form of an Appeal of Murder.

IC. hic instanter Appellat W. F. &c. (In English thus) I. C. here instantly appeals W. F. of the Death of his Brother H. C. For that whereas the aforesaid H. was in the Peace of God and the King, at Tunbridge in the County of Kent, the twenty-eighth day of March, in the thirty-fourth Year of the Reign of our Lord Charles the Second, &c. at seven a Clock in the Evening of the same