

the Circumstances making out that Suspicion are more or less weighty, which are best known to the Justices of Peace that committed the Persons, and have the Examination before them, or to other Justices of Peace in the County. (2.) Be it therefore enacted, That where any Person shall appear to be committed by any Judge, or Justice of the Peace, and charged as Accessary before the Fact, to any petty Treason or Felony, or upon Suspicion thereof, or with Suspicion of Petty Treason or Felony, which Petty Treason or Felony, shall be plainly and specially expressed in the Warrant of Commitment, that such Person shall not be removed or bailed by Virtue of this Act, or in any other manner than they might have been before the making of this Act.

*The Comment.*

There are three things, which the Law of *England* (which is a Law of Mercy) principally regards and taketh care of, viz. *Life, Liberty and Estate*. Next to a Man's Life, the nearest Thing that concerns him, is Freedom of his Person; for indeed, what is Imprisonment, but a kind of civil Death? Therefore saith *Fortescue, cap. 42.* The Laws of *England* do, in all Cases, favour Liberty.

The Writ of *Habeas Corpus* is a Remedy given by the Common Law, for such as were unjustly detained in Custody, to procure their Liberty: But before this Statute was rendered far less useful than it ought to be, partly by the Judges, pretending a Power to grant or deny the said Writ at their pleasure, in many Cases; and especially by the ill Practices of Sheriffs and Gaolers, by putting the Prisoner to the Charge and Trouble of an *Alias* and *Pluries* (that is, a second and third Writ, before they would obey the first, for there was no Penalty till the Third) and then at last, the Judges would

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