

A R T. XVII.

“AND because many times persons charged with petit-treason or felony, or as accessories thereunto, are committed upon suspicion only, whereupon they are bailable or not, according as the circumstances making out that suspicion are more or less weighty, which are best known to the justices of the peace who may have committed such persons, and have the examinations before them, or to other justices of the peace in the district where such prisoner may be committed.”

Be it therefore ordained and enacted, That where any person shall appear to be committed by any judge, commissioner or justice of the peace, and charged as accessory before the fact to any petit-treason or felony, or upon suspicion thereof, or with suspicion of petit-treason or felony, which petit-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 Ordinance in any other manner than by the common law of England they may be.

A R T. XVIII.

PROVIDED also and it is enacted, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this Ordinance, unless the party offending be sued or impleaded for the same within two years, at the most, after such time wherein the offence shall be committed, in case the party grieved shall not be then in prison, and if he shall be in prison then within the space of two years after the decease of the person imprisoned, or his or their delivery out of prison which shall first happen.

A R T. XIX.

AND be it also ordained by the authority aforesaid, That if any information, suit or action, shall be brought or exhibited against any person or persons for any offence committed or to be committed against the form of this law, it shall be lawful for such defendants to plead the general-issue, that they are not guilty, or that they owe nothing, or to plead specially, according as may be the course and practice of the court where such suit may be, and in case it be upon the said plea of not-guilty, or that he owes nothing, then to give such special matter in evidence which if it had been pleaded more specially had been good and sufficient matter of law to have discharged the said defendant or defendants against the said information, suit or action; and the said matter so given in evidence under either of the said general-pleas, shall be then and there as available