N. 1. The doctors of the civil Law don't allow persons to be bailed for any crime inferring corporal punishment l. 3 ff. de custodia et Exhibit. Roer. prosp. Farin. de Carceribus quest. 33. n. 48.

Least the persons bailed should by running away to save their Bacon disappoint the Execution of Justice which could not be inflicted on their Goods.

An offender who hath confess'd or is convicted cannot be bailed l. 5 ff. de custod. et Exhib. Roer. tho' the crime he is charged with be punishable only by a fine prosp. Farin. de Carceribus quest. 33 n. 9 & seqq.

Nor can a person once established upon Bail having fled & forfeited his Bail, be again, if apprehended, admitted to Bail for the same crime, as having rendered himself unworthy of that priviledge prosp. Farin. de Carceribus n. 34. Quest. 33.

One become surety to present a criminal on a certain day under a penalty, will find himself liable to pay the penalty, tho' it was not required by an Instrument to present him Gomez 3 var. Resol. de captura Roer. cap. 9. n. 9. prosp. Farin. de Carceribus quest. 34. n. 129 et seqq. But cases in that case dies interpellat pro homine. l. 12 C. de contrah. & committ. stipul.

N. 1. one cannot be received witness against a person he bears grievous and deadly Enmity to, or who hath given him just Ground of such Resentment, tho' he should declare that he intertains no malice against him upon that Account Gomez 3 var. Resolut. cap. 12. de prob. delict. n. 14. prosp. Farin. de Testibus quest. 53 n. 3. & 52.

But such a witness may be admitted if he equally hate both parties in the Trial Gomez ibid prosp. Farin. ibid. n. 66.

N. 2. Other witnesses are inhabile only as to some particular Persons. According to the canon Law Churchmen may witness against Laymen &c as in pag. 1272 William the Second Score.

[illegible] witnesses in some Respect inhabile may be received in some cases as 1st who depose as their Profession, Calling or Trade Lawyers Physicians &c Gomez Ibid. Farin. de Testibus quest. 52 n. 28. 5th & seqq. Serving and not easy to be had prosp. Farin. de Testibus quest. 52 n. 28. 5th & seqq.

2d Inhabile witnesses are admitted for proving the premeditated crimes of Heresy, Sodom, murderous Robbery, prosp. Farin. de Testibus quest. 62. n. 62 & seqq.

3d Inhabile witnesses proto against the prisoner & infer against them prosp. Farin. de Testibus quest. 62. n. 211 & seqq. and he cannot challenge any witnesses produced by the Disturbers of the peace as inhabile who also the Law allows in Instances to draw witness for him and therefore unknowing of them prosp. Farin. de Testibus Hab. Jos. M'Kenzie Crim. part 2 Tit. 26 § 13 in fin.

Witnesses who are not allowed to the Lawyers Day, if sometimes permitted to counsel be discovered in any of a manner taking a Libel of making Excepts, and Submitting the Information of it to the Judge, may also call recriminating witnesses Crim. Rule 8 in pag. 1275 William the Second Score.

A Bastard witness is inhabile as to the Father, may Testify against him in nothing for the Mother as being without the Protection of a Husband, is inhabile as to the Mother Family (as) for Infamous Bastards as such from 24 Neb. 1709 Mr. Dalton Mr. Hughes to 13 Oliver. Hale Ller. may rather Stand in the Stopping Ly put common Law Gerrogatories to the witness of the Same.