

Ecclesiasticks by the Canon Law C. 9. c. 10. c. 16. & c. 17. & c. 18. & c. 19. & c. 20. c. 21. & c. 22. & c. 23. & c. 24. & c. 25. & c. 26. & c. 27. & c. 28. & c. 29. & c. 30. & c. 31. & c. 32. & c. 33. & c. 34. & c. 35. & c. 36. & c. 37. & c. 38. & c. 39. & c. 40. & c. 41. & c. 42. & c. 43. & c. 44. & c. 45. & c. 46. & c. 47. & c. 48. & c. 49. & c. 50. & c. 51. & c. 52. & c. 53. & c. 54. & c. 55. & c. 56. & c. 57. & c. 58. & c. 59. & c. 60. & c. 61. & c. 62. & c. 63. & c. 64. & c. 65. & c. 66. & c. 67. & c. 68. & c. 69. & c. 70. & c. 71. & c. 72. & c. 73. & c. 74. & c. 75. & c. 76. & c. 77. & c. 78. & c. 79. & c. 80. & c. 81. & c. 82. & c. 83. & c. 84. & c. 85. & c. 86. & c. 87. & c. 88. & c. 89. & c. 90. & c. 91. & c. 92. & c. 93. & c. 94. & c. 95. & c. 96. & c. 97. & c. 98. & c. 99. & c. 100.

8c. 14. X. do for Comp. can be Judged in the first Instance out
by the Bishop. & the Pope as their head is so far as in the
Law Except from the Jurisdiction of lay Judges Particularly
the Criminal Jurisdictione The whole body of Ecclesiastick
stood Much upon this privilege, which they Enjoyed also in
Scotland hel 1409 in fine Parly 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. But the
temporal courts qualified it greatly. They indicted and pro-
= ceded against Clergy Men for Crimes as well as others, & the
left the ordinary Demanded them: And when Blamed by the
ordinary before Conviction took Inquisition whether they
were guilty or Not. In which case if Acquitted of the Crimes
charged upon them, they were Discharged, and if found guilty
they were Delivered to the ordinary who proceeded to purgation
and Deprived them of their Character if they could not purge
themselves. Which Degradation or Deposition was performd
in a Solemn Manner, by pulling off the Criminals Vestments
and other Ensigns of his Order in presence of the Civil
Magistrates, & so they became all Mene-layman, and they
was Delivered over Brachis Seculari. he be jurisdic-
= tions. But by the Law of God (Leviticus 24. 17. 18. 1 Kings 2. 26.) And
the Civil Law of protestant Nations (Matth. 23. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.)
= dict lib. 3. cap. 17. cap. 20. from. part 1. q. 2. n. 19. Ecclesiastick
= al persons are not Excepted from the Jurisdiction of the
Civil Magistrate. And by our Law since the Reformation
= the Church hath Jurisdiction in preaching the Word, Domi-
= nion of the sacraments, and the Correction of Manners hel
= 69 Parly 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.)
= people to their duty and Working good effects in the forward
= Mants fit them for heaven. But the Inflicting of Civil pe-
= nalties for the Correction of Manners or Mis-behaviour
= in duty toward God or Man belongs to the Civil Magist-
= trate hel 70 Parly 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.)
= ase to be Judged by the Church as to Matters of faith,
and Repentance preached by them: Yet if they preach
= Innoceheth on the secular power, they are allowed to be
= tried by the Civil Magistrate. In which sense the King and
his Council were Declared Judges Compellent to all his
= Subjects of what ever Estate Degree function or Condition
= spiritual or temporal in all Matters, and such as Decline
= their Judgment, therein were Declared guilty of Treason
= hel 129 Parly 3. 4. 5. 6. And the the Pleign of Law was by the
= Kings order Mitigated 10 July 1606 with Respeck to
= Six

To which may be added that the King and his Council were Declared Judges Compellent to all his Subjects of what ever Estate Degree function or Condition spiritual or temporal in all Matters, and such as Decline their Judgment, therein were Declared guilty of Treason hel 129 Parly 3. 4. 5. 6. And the the Pleign of Law was by the Kings order Mitigated 10 July 1606 with Respeck to Six

Six Ministers of the Gospel Viz. Mr John Forbes, Mr John
Waltham, Mr Robert Dinnie, Mr Andrew Duncan, Mr Alexander
Spachan and Mr John Sharp, Consisted of Declining the
Judgment of his Majesty, and the Lords of his privy Council
of Scotland in Relation to the Lawfull assembly General
assembly, which they pretended to be a Matter purely Ecclesiastick
= deal and spiritual to be Judged by his Majesty and Ecclesiastick
= tial persons Conform to the Law Authorizing Ecclesiastick
Jurisdiction hel 69 Parly 6. hel 99 Parly 16. hel Civil and
Criminal Matters are Determined by the Civil and Crimi-
= nal Judges. Mr James Guthrie was a Member of Parliament of the
Parliament of Scotland 1661 and put to death for Declining
the Authority of King and Council to Judge of his Formons.
However the spiritual office bears not a bridge of
their power concerning heads of Religion, matters of heresy,
Excommunication, Censure or Deposition of Ministers,
or the like essential Church censures warranted by the
word of God hel 149 Parly 12. 13.

Quantum of those who are Excepted from the Jurisdiction
of the ordinary Judge, can make from their privilege, and Es-
pecially prerogative such a Jurisdiction. It is Answered they
may do it by the Civil Law C. 20. C. 21. parly. By the Canon Law
a Clergyman cannot voluntarily subject himself to the
Jurisdiction of a layman, yet being a privilege to the whole Order
of Ecclesiasticks C. 12. X. do for Comp. tonds. Nor is such pro-
= rogation of Jurisdiction allowed by the Secular Law, whereby a
= Papal canon by his being superior the Superior of the
= fines and profits called with us tithes of his Parishes & that is
= observed in our practice, where a Bailiff of Regality may
Remove the causes of the Seculars within his Regality whether
Civil or Criminal from other courts to be Judged by himself
= Craig Fend. lib. 3. fol. 7. 8. 2. vid. supra pag. 159. 8.

Civil