and Safety of the Kingdom in General is concerned and the whole Kingdom in danger, his Majesty might by a Writ under the great Seal of England, command all his Subjects of that Kingdom at their own Charge to provide and furnish such Number of Ships with Men Munition and Victuals, and for such time as his Majesty should think fit for the Defence and safe guard of the Kingdom from such danger and peril: and that by law his Majesty might compel the Doing thereof, in case of Refusal and Refractoriness: and that in such a case his Majesty is the sole Judge, both of the Danger, and when and how the same is to be prevented and avoided. Sir George Crooke one of the Justices of the Kings Bench, and some others of the Judges Dissented to that opinion, and thought that such a Charge could not be laid on by any such Writ, but only by the Parliament. Which Dissenting Judges were however prevailed with to subscribe the aforesaid opinion of the rest, for that the Major part carried Matters, and the Lesser Number must submit their opinions, and it was not fit especially in a case of this Nature so much concerning the Service of the King, for some to subscribe and some to forbear their Subscriptions. But that the King might not be imposed upon to think by their Concurrent Subscriptions that they were all unanimous in the Business given, it was said that his Majesty should be Informed that some Dissented from such opinions. Mr John Hampden Esquire of Stoke Mandeville in the County of Bucks being tried in the Exchequer Chamber before all the Judges of England, for his Refusal to pay Twenty Shillings Sterling as his Share of the Tax called Ship Money sought to be Levied by a Writ under the great Seal of the Nature aforesaid, the Tax was adjudged Lawfull by the Major part of the Judges 12 Junii 14 Caroli primi. But Sir George Crooke one of the Judges of the Kings Bench, Sir Henry Hutton of the Justices of the Common Pleas, Sir John Denham one of the Barons of Exchequer, Sir Humphrey Davenport Lord Chief Baron of Exchequer, the two last signed with the rest of the Judges the foresaid opinion asserting the Kings right to Impose such a Tax given to the King in private, yet when the case came to be Judicially Argued before them, Declared in their opinion, that the Writ was Illegal, and gave Judgement for Mr Hampden against the King.

A Judge ought to proceed according to Allegations and proofs laid before him and not according to his own Knowledge of the fact l. 6. §. 1. ff. de offic. proconsulis. For he is to Judge as a publick, not as a private person, and he

ought not to be Judge and Witness, whereby a door would be opened to wicked Judges to act Arbitrarily, and the Fortunes and Fortunes of Men Depend upon the pretence of their private Knowledge. But at the same time, a good Man ought not to Judge contrary to his Conscience l. 3. §. 1. ff. de test. tit. So that where the Legal Proof Interfers with his Knowledge, he ought to beg a Judicial Office for a time, and become a Witness l. 36. ff. de Judic. However such a case will hardly exist, seeing a penetrating Judge knowing the Verity of facts upon which Witnesses are sworn, may by Expiscating Circumstances of time, place &c. Discover the fallacy. There is no cause pro limine in Judgement.

Judges ought to give their Judgments with the Reasons and Influences and motives from the Statutes so and so. And it is a received Duty in a Judge to give the People may be Guilty as the Parliament does sometimes will be a Rule to the Judges to Proceed in such Cases. Statutes so in the Judgment of Rebs a Maxim in the Law of England that the Law may be Construed as far as the Letter of the Statute will bear, and no further, tho' it may be for the Benefit and Support of the Crown.

The Sentences or Decrees of Judges are put to execution in such Manner as either their Commission, Law or Custom doth allow 9. d. Infra pag. 1682. 1928. 1929.

Decrees of Sovereign courts in one country, are not looked as res Judicata in another Huber Prael. ad Tit. ff. de Legib. in digest. de Conflictu Legum n. 6. Sande Decis. lib. 1 Tit. 12 Def. 5. For Nolan says every person comes under an Obligation binding by the Laws of that Country where it is Contracted, whether by Voluntary Agreement, or the final Sentence of a Supreme court in the Jurisdiction where it was pronounced: the Supreme court of any other however Distinct and Independent Country, is by the Law of Nations obliged to Interpose its Authority for Making the same effectuall either against the Effects of the person which may be found under their Jurisdiction or against both person and effects, where it happens that he withdraws himself from the place by the Laws of which he had become bound, provided No prejudice be thence arise to the Jurisdiction privileges and Laws of the place where performance of the obligation is pursued, or the Decree Craved to have Execution. For where the Laws of a foreign Nation Statutes what is not provided by the Laws of Scotland, a Decree upon such a Law may very well take effect here, and Yet Nothing follow Inconsistent with our Constitution or Encroaching upon our Jurisdiction. But such obligation by the Laws of Nations is rather Dominatis, than Necessitatis and therefore to make the same effectual Among Distinct Independent Nations, Literæ Rogatoriæ or Requisitoriæ are used 3. Voet. Comment. ad Pit. ff. de Judic. §. 91. Res Judicata by the Chancellary in Ireland proponed in an Improbation before the Lords of