

that *Implicatio* in effect the punishment of Breaking prison which is often Capital, and aggravating a former Crime with the Contempt of Authority, may *Mactatio Capitalis* that was not before *Mortuus Crimi* part 2. *Tit. 36 § 3. 27*  
 Another kind of Civil punishment is Confinement to a certain place; Answering to the Roman *Detentio* *§ 1. Tit. 1. l. 1. § 1.* a Machine calculated ad *Ludubrium* *Magis quam*  
 in publick View an hour or two with a paper on his back or his head shewing his offence; This called the *Pilory* for the French *Pilori*, which perhaps may be fetched from the Greek *Πύλον* a Door, *§ 1. Tit. 1. l. 1. § 1.* because one standing in the *Pylo* puts his head as it were thro' a door in order to be seen by all. This termed *Collustrationem* for that Column being full of St. Criminally is sometimes Condemned to make a publick Confession and Acknowledgement of his Crime and in a humble posture to ask Pardon of God, of the King, of Justice, and of the Party whom he has Injured. Which in France is called *Amende honorable*. *§ 5. Tit. 1. l. 1. § 1.*  
 A Pecuniary punishment (called a fine, because it puts an End to the business or turns an Annoyance into a Mule) is the paying a sum of Money without being branded with Infamy. All Pecuniary fines are to be taken up according to the Rate the Money gave when the fine was imposed, or to be augmented according to the Current Value of the Money *Tit. 70 Part. 11 § 6. M. Lenzie obispo. ord. l. 70.* Because it is not Reasonable that offenders should reap the advantage thro' their delay to pay, Money having risen in the Year 1597 to a great Value, so that the piece which before the first of March 1542 passed for one penny, was then valued at ten pence: All the laws before the said first of March of the two pence were raised to ten shilling of the then Current Money, and those of twenty shilling to ten pound, and so proportionally *Tit. 269 Part. 15. Tit. 16.* The same men frequently is obeyed thro' the land upon the basis of the smallness of the old fines: For which the like reason the old Romans thought fit to augment the Penalties of their law of the twelve tables: because

*Lucius Porcius* too be pleased to beat all that passed by him, first he was, *ludibry* five asses for every Blow according to that Law *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1. ex Ma. Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.* Where a fine is determined by Statute, it must be paid whether the offender be Rich or Poor: And if he is not able to pay, law subjects him to some Corporal Punishment Conform to the Rule: *qui non habet in Arce* *ludibry* *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.*  
 I find *Pro panis*. *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.* *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.*  
*Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.* are Confined and fined according to their husband's Quality *Tit. 103 Part. 7. § 6. Tit. 38 Part. 7. § 1. Tit. 29. Tit. 29. Tit. 29.*  
 married Women according to their own Quality *Tit. 29. Tit. 29. Tit. 29.*  
*M. Lenzie Crimi. part 1. Tit. 3. § 6. Tit. 3. § 6.* I doubt, whether such Married Women as are all owed pre-odoney according to their Birth without respect to their husband's State or Condition, as a Noble Man's Daughter who is Married to a Gentleman, or one who has pre-odoney by Talent above her husband and degraded, should be punished according to their Birth, the Married.

A husband is not liable for his wife's fine, where he is not expressly subjected thereto by Statute *M. Lenzie ibid. § 6. in Hod.* If husbands were indeed made liable to pay their wife's fines for swearing *Tit. 38 Part. 1. § 1. Tit. 2. Tit. 2.* for daunting Conventicles preaching and withdrawing from the Church *Tit. 5 Part. 2. § 1. Tit. 2. Tit. 2. Tit. 2.* But the Convention of Estates 1649 Declared, that the fining husbands for their wife's withdrawing from the Church was contrary to law: and the Statutes making them liable to such fines are now repealed *Acts 27. 28. 29. Part. 1. W. 3. M.* Because fines qui *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.* changing of a Pecuniary into a Corporal punishment, is not allowed, unless the Pre-odoney should desire it; who perhaps may think rather to wait till the offender is in a Condition to pay the legal penalty, than to see him Corporally punished *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.* *Tit. 1. l. 1. § 1. Tit. 20. Cap. 1. § 1.*