

Such act of Grace is either temporary, or perpetual.
 A temporary Act of Grace, is called a Respite Act, as
 Parl. 13. H. 3 or a Respite, from the French Respitio, which
 back is a prolongation of the time appointed for execution
 of a sentence, or a suspending a condemned Criminal
 from the Execution and the proceedings of the Law for
 some time. Where of there are many Instances 13 July 1599 James
 Graham's. The King's Council of Scotland when standing
 might have put off the Execution of a Capital Law for
 some time. Whence Crim. part 2. fol. 28. p. 4. But now the
 next Application must be made to the Throne for the
 End. These are: 1. Respite, which is not arbitrary, but quasi de Jure, as the King
 is bound to give it upon the plea of pregnancy, or the delay of Execution of a
 Capital Law, or the death of the condemned party before the day of Execution.
 Hals. Hist. Crim. part 2. fol. 28. p. 4.

A Perpetual Act of Royal Grace or Clemency, being
 a Pardon in Latin, Pardonatus, is an absolute Remission
 of a Crime, or a Giving up the Punishment due to it. It is
 an Act or Work of Clemency and Mercy whereby the
 King either before Conviction attain'd, or afterwards by
 his Royal Prerogative and power freely and absolutely
 forgives any Crime, offence, punishment, Execution &c. of the
 granting such a pardon is one of the most Ancient and
 inalienable prerogatives of the Crown 27 Hen. 8. cap. 24. 81.
 For the Reason is Established by Mercy Prov. 20. 28. as well
 as by Justice 16. 12. so that it may be justly applied to our
 King, what Seneca said once to the Roman Emperor, Cæsar
 contra Legem Nemo potest ferre nisi pro re. 1. Pardon
 is two Kinds, 1. That which must be granted of Course
 Law. 2. That which is an Act of the Kings Mercy, Grace
 and Favour. 1. In England a pardon of course is due by
 Law to those guilty of Excusable Homicides 6 Edw. 1. cap. 9.
 Approvers who Convert their Accomplices; to Robbers 4. 8.
 W. 1. M. cap. 8. 57. to Pilgrims and Fishers 6. 37. W. 3. cap. 17. 5. 13.
 Burglars, House-breakers and Healers of Heresies 10 Edw. 1.
 cap. 23. 35. 3. H. cap. 31. 54. out of Prison, who Discover
 of more such Criminals as they themselves are, so as
 the persons discovered shall be Convicted.

A Pardon of Grace is either General or Particular.
 A General pardon forgives all offences of all the
 Subjects not particularly therein Excepted. This is
 usually pass'd in Parliament, and is called an Act of

Indemnity. Which is to be taken most beneficially for the
 Subject, and most strongly against the King, fol. 5. Resp. 50.
 Upon which Ground it hath been adjudg'd, that a General
 Act of Pardon of all felonies &c. except Murder, shall extend
 to a Felony 1. Levinz. 8. 120. Rob. Rep. 66. Hawkins pl. Cr. cap.
 37. 520. Because, tho' in a strict Sense a Felony so may be called
 a Murder, yet his offence and Murder are generally under
 stood as distinct offences, the latter being all ways suppos'd
 signify the Murder of another, and the general word of writ
 of Parliament to be Express'd according to the Remission
 of the same, and further fined there is Greater Reason to Except
 the Murder of another out of a pardon, than that of a Mans
 self, for that both the Law of God and Nature for generally
 to Require Blood for Blood, which can be apply'd only to the
 Murder of another, the said Murder was in this an Excepti
 on taken only to signify the Murder of another. Again, pro
 sumptive Murder with which a Woman who had brought
 forth a Child that is found dead or missing may be pleas'd
 because the Fœtus being her being with Child and not waiting
 for Birth in the Birth Act 21. 2. Parl. W. 8. M. falls under
 the Kings General Indemnity, wherein Voluntary Murder
 is Excepted, 11 July 1709 James Thompson. But when
 Crimes before and unto a certain day are pardon'd, the
 pardon stops when that day comes, and Crimes Committed
 on that day remain Unforgiven 6. August 1722 James
 Campbell of Lawers. Tho' a General Act pardonning all
 felonies &c. done before such a day pardons Crimes done
 from a wound given before the day, whereof the party
 did not till after the day; because the Stroke which was
 the cause of the death being pardon'd, all the Effects of
 it are consequently pardon'd, Hawkins ibid. 321. 326.
 being a proviso in an Act of Indemnity, that no process
 of Outlawry or proceeding there on should lawfully be
 had or awarded unless the Defendant appeared and put in
 bail where Bail is necessary, and where out a Writ of
 Habeas Corpus against the party at whose suit he was out
 should; and that the said pardon be not allowed to Dis
 charge any outlawry after Judgment till satisfaction
 or agreement be made to or with the party at whose
 suit