

Dionis Prime 2 August. 1605. Maxwell of Bowhill and
 In. Lawford Rats, that a pardon is due as through blood
 Unless both the Crime and the Qualities of it be par-
 -ticularly and truly Express'd Prosp. Farnis de Inquisit.
 Quast. C. n. 47 & Legg. Boffius de Romo. Exclamatio. In
 -cip. n. 33. Thus a pardon of all felonies to and attain'd
 of felony will not avail them, to have Execution; because
 the Attainder is not pardoned. Fuller de p. ad. 200. a. p.
 pl. Cr. 251. Coke 3 Inst. 238. Hawkins pl. Cr. lib. 2 Cap.
 37 58. The same holds, that where the Execution of a p.
 on Attainder for felony is pardoned, and the pardon doth
 not Expressly mention the felony, such a pardon is no
 good, Fuller ibid. Hale ibid. But tho' it neither amount to
 pardon of the felony it self, nor of any other consequence
 of the Attainder, as the Execution, it seems difficult
 to give a reason why it should not well pardon the Execu-
 -tion, since the King doth not appear to have been at
 -way to intend, and may if he think fit pardon the Execu-
 -tion and No more. Hawkins pl. Cr. lib. 2 Cap. 37 51.
 No Man can be pardoned by Implication, but only by
 = Express words; 2 Bro. 295 Hawkins ibid. 526. Therefore
 = Warburton was Executed in England anno 1618
 = on an Attainder of high treason against him a Month
 of 14 Years before, Not with standing the Kings Letters
 = bearing Commision Under the Great Seal to him (then
 called his true and Loyal Subject) to go into Germany with
 Authority to Execute Martial Law and power over the
 = of other Men; which power over themselves of others he
 = pleaded as an Implied pardon of his own self; but the
 Court Objected & rejected this plea: Because every Person
 of high treason Requires Express mention of it 13 R. 2
 = cap. 1. Again, a pardon of all felonies Extends only to Com-
 = mon felonies, and not to high treason Coke 3 Inst. 238
 = nor to piracy Coke 3 Inst. 112. 1 Inst. 391. a. Hale pl. Cr.
 = Hawkins pl. Cr. lib. 1 cap. 37 58. lib. 2 cap. 37 51. A
 = General Clause in a Remission for giving all Crimes
 = will not secure from a prosecution for any Crime,
 = Greater than that Express'd herein Act 62 Parl. 67.
 = But yet a Commision for Slughter was bestowed to
 = tend to Murder 4 March 1717 Hugh. M. 71. al. 78 & 79.

1649 John Bell of Black house 27 November. 1676 Alexander
 Strachan of Glandine. Albeit it was pleaded that it should
 not Murder being a greater Crime as proceeding upon fore
 thought felony. In Respect it was intended, that Slughter
 is a General term comprehending both Slughter and Mur-
 -der as a species thereof; in so far as the Law 62 Parl.
 67. P. Discharging a Commision to be given for Slaying that
 upon fore thought felony, Implies that the Killing of a
 Man on fore thought felony, is a species of Slughter; Con-
 -sequently the King having forgiven the Slughter of such
 a Man, had forgiven the Killing him upon what former
 Accounts. A temporary Respite for a particular Crime as
 Slughter, without any General Clause of all other Crimes
 Subjoind, was not Extended to stay the obtaining of
 = passing by the Kings error to an Respite for a Superior Crime,
 = viz. the Bearing or Shooting with Gunns or Pistolls with
 = which the Slughter was committed 2 August, 1605. Maxwell
 = of Bowhill and his son.

Our Princes have indeed at the Desire of their Subjects
 = Contented to the Closing their hands by temporary laws &
 = Royal promises from Granting Pardons for Murders, or Slough-
 = tor committed by fore thought felony or Ma. lices, & pre-
 = Mediate Malice, unless for the publick Good with the Con-
 = sent of Parliament stat. David. 2 cap. 20. Act 63 Parl. 67. A
 = Act 136 Parl. 8 J. 6. Which is observed in Pardons and other
 = pleas, & 2. in God. 4. 2. In ourian passio. n. 19. Because
 = the forgiveness is only a truce and all the people to have an
 = Interest in publick Justice; Crime ini. Indulget. Indignis
 = ad Prolepionis Bon laqum. proovocat. Univerfos. Facilitas
 = Vovialis Incontinum. Inbut. Dolingendi. and the Di-
 = vine Law doth not allow that Crimes to be Expiated but
 = by the offenders death, Gen. 9. 6. Num. 35. 33. When Albeit
 = was slain by Gain, it is said according to some Readings
 = that his offence was too Great to be forgiven. The Burning
 = of Town in Steads or Barns, seems also a Crime beyond
 = Mores act 118 Parl. 7 J. 5. In England Divers acts of Parli-
 = aments have also Restrain'd the Kings power of granting
 = pardons in several cases. Thus No Charter of Pardon should