

By an oath which is direct to the fact in issue. How King
 v. bid. But a false oath which at the giving thereof was pre-
 judicial to another person may be punished as perjury
 & challenge after in the event it prove no way prejudicial
 to him: his witness who sworn to the party of a writ
 after reduced and improved as forged, may be tried
 of no perjury, tho at the time of the trial the writ could be
 of no prejudice to any Man, because of the fortification
 in the Improbation. M. Lewis's Case part 1. fol. 295. In
 the Statute for perjury was Repealed to be put to the
 Knowledge of an Officer, in respect the oath which was
 the Ground thereof had been reduced by the Lord of the
 King 21 November 1666. M. Lewis's Case. It hath been
 holden not Material upon an Indictment of perjury
 at Common Law in England, whether the false oath was
 at all used, or whether the party in whose prejudice
 it was intended was in the event any way aggrieved
 by it or Not; in as much as this is not a prosecution
 grounded on the Damage of the party, but on the abuse
 of public Justice. Hawkins's Case 39.
 39. A false oath that is punishable as perjury
 must be taken in a Judicial proceeding, or tend to
 abuse the administration of Justice, or to mislead
 a Judge in his proceeding, in relation to a Matter
 judicially before him tho it no way affect the pro-
 ceedings. Judgment to be given in the case: as where
 one takes a false oath before a Justice of Peace, in
 order to induce him to compel another to find sure-
 ties for the peace, or to bind a person offering him-
 self to be bail for another, knowingly and willfully
 by Swears that his Sureties need greater than they
 are. Hawkins's Case. Cr. lib. 1. chap. 69. 53; or when the
 Defendant in a process of Removing Sureties, that he
 cannot find Sureties for the Violent profits, or the
 Raifer of Criminal letters that he cannot find
 Sureties to report them, to be free of the trouble of
 finding Sureties, albeit a Person possible person had
 offered to be Surety for the Defendant in such a case
 he is guilty of perjury. M. Lewis's Case. on Act 21. 1711.

Part 14. 16. Jurat. Crim. part 1. fol. 29. 53. But a false oath
 taken before persons being merely in a private Capacity
 or before those taking upon them to be Ministers of the
 public Nature, without a legal Authority for their so doing,
 or before those who are legally authorized to administer
 some kinds of Oaths, but not those who do happen to be
 taken before them, or even before those who take upon
 them to do ministerial Justice by Virtue of an Authority
 by Colourable, but in truth then warranted and made
 Honourable to perjury in the eye of the Law because such
 is of no Manner of force, but is all together idle. But such
 an offence is most properly punished by severely punish-
 ing those who usurp an Authority of Administration regard-
 less of the Law. Hawkins's Case. 3. fol. 163. Hawkins's Case.
 Cr. lib. 1. chap. 69. 54. An Extrajudicial false oath in a private
 affair as at trading &c. or in Common Discourse, a forswearing
 one hath a property in a thing when Really he hath not, is
 not punishable as perjury in a Criminal prosecution. How-
 King's Case. In private injuries and left to be redressed by
 private Actions.
 47. Perjury is incurred only by a solemn false oath
 where some Matter of fact is solemnly affirmed or Denied
 contrary to the Knowledge of the party. Thus one is not
 guilty of it by breaking or not observing a promissory
 oath 2. Rolls Abr. 257. Hawkins's Case. Cr. lib. 1. chap. 69. 53.
 M. Lewis's Case part 1. fol. 29. 53. 3. 5. To swear to
 perform a Good betwixt and a fair day. Because if such
 a breach of promise amounted to perjury, every one
 would require an oath of his Doctor, or other person he
 had to do with, at the lending of Money or upon other
 Right occasions which were inconvenient. Nor is the
 Violation of a promissory oath to be given by a Judge,
 an Advocate, Tutor or other person in office, called for
 an Extrajudicial perjury punished as a Crime, but as an
 Iniquity only. 2. fol. 166. Rolle 3. Rep. 468.
 Hawkins's Case. M. Lewis's Case. 56. Being such an oath
 is intended rather to protect the Swearer with the fear
 of God than to subject him to the hazard of perjury,
 and he probably believed at the time of swearing to keep
 his oath, tho he thereafter altered his Mind. It is a
 Part 14. 16. Jurat. Crim. part 1. fol. 29. 53.