Instantly paid to the parish Collector for the poor. Or the party Must go to prison, who if he cannot pay, must be Exemplarly punished in his person. No profound a Difference Swadon in Matters of Religion adjudges a Delinquent to Censure and punishment for Immoralities Act 8 Jos. 6 Parl. K. W. Persons Excommunicated or Declared Contumacious by the Church upon the Account of Immoralities, are to be Incapacitated by his Majesty as Unfit to be Employed or to be Admitted or Continued in any Publick Trust Civil or Military Act 11 Jos. 8 & 9 Parl. K. W.

Having thus Explained the particular Crimes Committed Mord Immediately against God; the proximate Object which Mord is Mord Directly offended. Crimes committed by against Man are Distinguished into such as Concern the Sovereign Authority, Government, peace and Welfare of the Common Wealth; and those that Directly touch private persons.

BOOK 3.

Of Crimes that Invade the Royal Authority Government, peace and welfare of the Kingdom.

Such Crimes are Divided by the Civ. Wr. High treason and Misprision thereof; Recognizing the Authority of the Pope, or any Foreign power and Disowning that of the King or parliament; Leasing-Making; Incontinency and Incestuous Marriages; Vagrancy; Wearing Un lawfull Weapons; Breaches of the publick peace; Common Nuisances; Going out of the Kingdom without Leave.

Chap. 1

Of High treason.

When the Angels in their purity and Man in his State of Innocency were tempted to affect Supremacy, this Wound that wretched Mortals find the fall so frequently Armed it to their Ruine. But since the preservation of our lives and fortunes is owing to the Spring and Government Regulated by Laws: As primum Virtutis opus

oft forward for an Action Satisfactory, so it is highly Reasonable that those who are at the helm be More secured against Injuries from their own Subjects, who have as it were in their Bosom, than against their Enemyes who have not so easie an occasion to wrong them. Attempts of treachery and Infidelity against the King or Kingdom is called treason (quasi traditio from the French Trahir to Betray) and termed High treason from its Enormous and transcendent Nature. Which Crime of Nature cannot be so properly Defined, as Described in the particular Instances of it. It is in general a Breach of Fidelity and Allegiance [illegible] Kingdoms, [illegible] Parliament 1584.

Now that for Improving the Union of the two Kingdoms, the Law of England and no other Law Concerning High treason and Misprision thereof is to take effect in Scotland 7 & 8 W. cap. 21 § 1. I think the Great Point of treason as from the Roman Law and the Law of Scotland before the Union; and then shall discourse of it according to the Law of England, which is now the Law of Great Britain.

Tit. 1.

Of Treason by the Civil Law, and the Law of Scotland before the Union with some observations upon the Laws and Customs of foreign Nations.

Treason by the Civil Law called Lesa Majestatis divinæ Perduellio, & Lesa majestatis in Specie. Perduellio is the Rolling with a hostile Intention Directly against the Sovereign or Common Wealth, Carpz. Tit. 8 & 2. Lesa Majestas in Specie is an Usurpation of the Royal Prerogatives, by Coining false Money &c. & do Carpz. Forging private Seals. &c. & do Carpz.

Treason by the Law of Scotland was Distinguished into High treason or Rebellion (which is Inferred to Perduellio in the civil law) ordinary treason or Lesa Majesty, and Statutory treason.

Sect. 1.

Of High Treason.

1° It is high treason to Rebel upon Rebellion or take up Arms against the Sovereign Act 24 Parl. 6 Ja. 6 called Seditio Regni Vel Exercitus Regis, Seditio against the Realm or the Kings Host, Reg. Majest. Lib. 4 cap. 1 & 11. Which the Consent of the three Estates was Deemed not to Justify in the case of the Marquess of Argile

Digitized by Google