

Against Messengers at home he ordinarily pursued as a  
 Deferment. The formal pulling a Garrison in a house  
 seems to depend it is a warlike action importing more  
 Nor is this aggravated by the Commission of Just. and  
 peace, which is intended only to authorize the liege  
 to prosecute upon and notorious Acts. 2<sup>d</sup> Raising Men  
 taking them Windsor and swearing them to follow it is  
 Raising an Army without respect to the Statute, and the  
 there is no Commission of office and power the Design  
 whereof is not to make but to prosecute to a loss. 3<sup>d</sup>  
 Raising an Army without farther Design, usurping the  
 King's power, consequently a treasonable action: Much  
 more was it criminal to do so out of a wicked intention  
 to withstand the Execution of Law, which still the govern-  
 ment to be observed. This is treason in any to make war  
 against the League, when forbidden by his Majesty, Act  
 1<sup>st</sup> Parl. 6<sup>th</sup> 2.

It is high treason to assault castles or places where  
 the King is, without consent of the three estates of  
 Parl. 6<sup>th</sup> 2. If the Attacker know of his Majesty's Christian  
 which will not import that consent of the three estates  
 is sufficient to authorize the assaulting of castles where  
 the King is, or the Raising in Arms against him; but  
 that it is not lawful to any private person upon any  
 terms that the possessor is prisoner in any castle to  
 take up arms and attack the place without authority of  
 Parliament; it being dangerous to a King private persons  
 to judge in so considerable a case.

6<sup>th</sup> Raising a fray or Sedition wilfully without  
 cause in the King's host, is another point of treason  
 Act 54 Parl. 12 J. 2. because this shows a design to  
 the Army. But if a man in the Exercise of his Duty as  
 an officer by punishing a Mutineer was the necessary  
 occasion of it, he is not punishable. McKenzie's Opin-  
 ion d. Act 54. By the civil law Authors of Sedition in  
 an Army were ordinarily treated as Murderers Act 54  
 Act 54. Cornol. de seuer and punished as traitors where  
 the security of the Common Wealthe was in danger  
 thereby Act 51<sup>st</sup> Parl. 1<sup>st</sup> J. 1. Magistrate's power over

able to the pain of death. Lande Decid. bb. 5 J. 9<sup>th</sup> f. 12.  
 Post. de iure Milit. cap. 41. 90 where the Murder or killing  
 of a King cannot be known, all forfeitures in the guilt are  
 made to Run the Risk of being punished as such by the  
 casting of Lots, Post. ibid.

It is treason for any of the friends or favourers of  
 a traitor to trouble one who kills him and they  
 are discharged to bear him any Grievance; or to injure  
 him by word or writ. Because they are presumed presumptive  
 Just it is fine to do so from a Reportment of the traitors  
 death McKenzie's Opin. part 1 J. 6<sup>th</sup> 10.

It is high treason to impugn the Authority or power  
 of the three estates of Parliament, or to speak and procure  
 an Innovation or Diminution thereof Act 130 Parl. 8<sup>th</sup> J. 6.  
 By which is understood a Direct Impugning of the Par-  
 liaments Authority, or favouring its fundamental  
 powers: without prejudice to the Liberty of free Voluntary  
 and Reasoning in Parliament, Act 40 Parl. 11<sup>th</sup> J. 6.

It is treason to Evade the King's Authority or power  
 of judging all his Subjects Act 129 Parl. 8<sup>th</sup> J. 6. where  
 the pursuit is at his Majesty's instance McKenzie's Opin.  
 part 1 J. 6<sup>th</sup> 12. About Regularity none can judge in  
 their own cause. It is also treason to Deny that the  
 King had the sole power of calling holding adjourning and  
 Dissolving Parliaments and Conventions of Parliament Act 3  
 Parl. 1<sup>st</sup> J. 1 Ch. 2.

By the civil law, it is treason to kill any of the  
 Prince's Counsellors; because they are a part of his body. l. 5  
 pr. C. d. L. Jul. Majest. With a Privilege or purifying  
 any of the session, i.e. Lords of session, Secret Council,  
 or any of his Majesty's officers, i.e. officers of State, for  
 doing his Majesty's services; is punishable by death, Act 4  
 Parl. 16<sup>th</sup> J. 6. But Sir George McKenzie is of opinion,  
 that the cause of such Attacks may be removed from  
 Circumstances and presumptions: as if one over  
 thrown at law, should the Good day invade a Lord  
 who is Writen against him he will be presumed to have  
 killed that Lord, because of his Cross and his obli-