

Palace without the Sovereigns Authority, or the Kings
 without Consent of the Council or Warrent from the Sovereign
 reign Act, 25 Parl. 7. 5. And those who should and have
 the Names of persons who bring home false coin of Gold
 silver or other all ayed Money, or the Names of the Masters
 forgers and forgers of such false coin within Scotland
 being entitled to the half of their offenders lands and goods Mo
 veable and Immoveable for the Rowalling del 7. 0 Parl. 9
 2. M. The same bringing or forging false coin is death
 in the opinion of Sir George Mackenzie Crim. part 1. tit. 27. 5.
 For that land or Immoveable goods are confiscated only for
 treason. You are convicted of false joining 3 March 1598
 Ralph Wallace, and another convicted of Wauking and M
 false Money 23 Novemb^r 1599 John & Walter Murray are
 adjudged to be worried at a stake till he was dead, and thence
 2. his body to be burned to ashes and all his lands and Mo
 veable goods to be for parties and Escheat. But yet in the
 year 1696, the all former laws against Fornors of false
 Money were then Ratified the being guilty and or part of
 joining, or any other way of Diminishing or falsifying
 the allowed Currant Coin of Scotland (which such offenders
 had become more frequent than formerly, and therefore
 thought to have punishment was declared punishment
 only with the pain of Death and Confiscation of Mo
 veable Act 2 sess. 6 Parl. R. W. Jo. Strickland or
 any person in the parliament house during the sitting
 of the parliament, or within the Kings Court or Chamber
 of the parliament, or within the Kings Court or Chamber
 in the Palace at the time, or within the Privy Council
 while the Council is sitting, or within the Kings Court
 house when the Lords are sitting, or in the Kings pre
 sence where ever he be, is treason Act 173 Parl. 13. 1.

Sect. 4.

Specialties and Circumstances
 distinguishing treason from other
 Crimes.

19/ He who maliciously deposes a person of high
 treason, punishes the same Crime if the party accused
 acquitt

acquitted Act 49 Parl. 11. 16. But the persons of Lattary
 treason which is not so in and of itself own the time, are not so
 severely punishable as specially if they pursue not the same as
 treason Mackenzie Crim. part 1. tit. 6. 5. 18. above. on Act 49
 Parl. 11. 1. 6. The Kings Advocate views not the hazard of a
 liminous Accuser for high treason, by his accepting persons
 Actions officij; tho' for the more security he always set her
 process from his Majesty a Warrent to prosecute for tra
 soun after his taking a Recognition; or he proceeds upon the
 faith of an Informer, who finds caution to justify his para
 talous. Nor is any other pursuer of treason who has a pro
 bable ground to do so, or who after clearing the same, is
 past from it before the Defendant was put to the proof, though
 of an Inquiry, liable to the ordinary pain of treason: but only
 liable for not justifying to pay the sum for which he found
 caution to justify, or to be punished arbitrarily, Mackenzie
 Crim. Sir George Mackenzie (ibid.) doubts, if a witness depo
 sing in a previous trial against one as guilty of treason
 and thence after Testifying that he knows nothing of such
 a persons guilt, doth commit treason: but he thinks to
 think, that an oath not given ultro modo, but upon a
 tation, cannot be extorted, or punished as an accusation.

2/ Treason beside of the Kings Immediacy, can only be
 the Treason and Consequences of the Crime, can only be
 tried before the Justices court Reg. Mag. st. 16. 1. cap. 1. 55.
 And not before Sheriff or any other inferior court of
 Royalty or Jurisdiction where his Majesty has Advocate cannot
 to proceed Mackenzie Crim. part 1. tit. 6. 5. 18. infers. But
 treaties were often tried before the Parliaments, in which
 case the Justices sometimes sat not only as assessors to
 the parliament (like the Judges of England in the
 of Peers) but as joint Judges of the treason with the
 Counts, as in the process of treason against the Earl of
 Gowry, and in that against the Earl of Mar and others
 for taking King James the first out of Sterling, Mackenzie
 2. above. on Act 12 Parl. 2. sess. 1. Ch. 2.

3/ Those suspected of treason must after some pre