Albeit high treason can be committed only against the Sove-
reign in Possession, Le Mort saisit le vif, in the transmissio[n]
of the Royal Dignity. So that the Rightfull heir immedi-
ately upon his predecessors death, before Celebrating the leg-
al solemnities of Proclamation or Coronation is Understood
to possess the sovereignity. For there is no Interreign, the
King never dies, it is the Right of Blood that Constitutes
a sovereign; and not the solemnities of Proclamation or
Coronation, which are only Declaratory, & Nihil Novi
Hist. placit. cor. vol. 1. pag. 61. & 101. (7)
Juris tribuunt, Coke 3 Inst. 7. Hale pl. Cr. 12. It is not
high treason to Compass or Imagine the death of a Pro[tector]
Hale Hist. placit. cor. vol. 1. pag. 106.
Viceroy or
or Guardian of the Kingdom Coke 3 Inst. 8. The priviledge
given to the Queen Consort, is not Extended in favour of a
Queen Dowager after Dissolution of her Marriage by the
Demise or death of the King Coke 3 Inst. 8. Hale pl. Cr. 12
Hist. placit. cor. vol. 1. pag. 124. nor to a Queen divorced from the king. Hale Hist. ibid.
But that Conceived in favour of the ^heir Apparent, being
to the Kings second son, after the death of the Eldest, and
to the eldest son of a Queen Regnant Coke ibid. Hale ...
tho it doth not pass to any in the Collateral line, till they
be Declared heirs Apparent by the Parliament Coke 3
Inst. 9 Hale ibid. But perhaps a Collateral apparent heir
Declared such by Parliament would be Intituled ~~[illegible]~~
~~[illegible]~~ to the priviledge, Hawkins pl. Cr. lib. 1
If the King hath two daughters only and no son compassing or conspiring the death of his eldest daughter is not high treason, for a son may be after born; Hale Hist. placit. cor. vol. 1. pag. 126. Much of what is understood in Law to be compassing the Kings death may be applied to the Queen and prince, but not number fully. For there are certain overt acts manifesting a compassing (8)
chap. 17 sect. 22.
2/ It is high treason to levy war against the King
Because it usurps both military and civil is out of the entire majesty
do St. 25 Edw. 3. ^ Levying war differs from a Great Riot
or Rout or Unlawfull assembly, in that these are Comm-
ited upon a private Account; whereas war is Raised upon
some publick pretence of Reforming the Government, or
altering the Established Religion or Law Coke 3 Inst. 9
Not only those who Directly Rebell against the King, and
take up Arms in order to Dethrone him, but also in
many other cases those who in a Violent and forcible
Manner withstand his lawfull Authority, or Endea-
vour to Reform his Government are said to Levy war
against him. Therefore holding out a fort or castle
against the Kings forces or keeping together armed
Numbers of Men against the Kings Express command
pl. Cr. Hist. placit. cor. pag. 152.
is a Levying of War Hale [blot] 14. Coke 3 Inst. 10
Hawkins

(7) [illegible]
(8) [illegible]

Hawkins ibid. sect. 24. Those who make an Insurrection in
order to Redress a publick Grievance, whether it be a Real or
pretended one, and of their own Authority Attempt with force
to Redress it, are Understood to Levy war against the King,
altho they have no Direct Design Against his person, inas-
much as they Insolently Invade his Prerogative by Attemp-
ting to do that by private Authority which he by Publick
Justice ought to do, which Manifestly tends to a Down
Right Rebellion; as where great Numbers by force Attempt
to Remove Certain persons from the King; or to Lay Violent
hands on a privy Counceller; or to Revenge themselves
Against a Magistrate for Executing his office; or to
bring down the price of Victuals; or to Reform the Law or
Religion; or to pull down all Bawdy houses, or break
open prisons and set out prisoners in General; or to Remove
all Inclosers in General, by persons having no particu-
lar concernment therein Coke 3 Inst. 9. 10. Hale pl. Cr. 14.
Hist. placit. cor. vol. 1. pag. 131.
Kel. Rep. 75. 77. Hawkins ibid. sect. 25. 1 Sid. 358. Such
practices are a Levying of war against the King and high
treason at common Law, because these are not only a usurp-
ing the Government out of the Kings hands, in assuming
Regal power to Reform that which Belongs to his Ma-
jesty to Correct and Reform by his law and Judges, but
also Destroy the priviledge and security of the people, in
proceeding against their houses without an Indictment
and fair trial. And how oft is Rebellion Raised, by ga-
thering people together upon plausible pretences, as
a blind to hook them in, till it be Convenient to Dis-
cover the traiterous Design. But where a Number of Men
pretending to be Injured Rise to Remove a Grievance to
their private Interest, as to pull down a particular In-
closure in trenching upon their Commons &c. they are
pl. cr. 14. Hist. placit. cor. vol. 1. pag. 131.
only Rioters Coke 3 Inst. 9 Hale ^ [blot]. Kel. Rep. 75 Haw-
kins ibid. A Bare Conspiracy to Levy war against the
King is not this kind of high treason, Unless war be
Actually Raised: but yet it is an overt Act of ano-
ther Branch of treason viz. to prove Compassing and
Imagining the death of the King Coke 3 Inst. 9. Kel.
Hawkins ibid. sect. 27. Hale Hist. placit. cor. vol. 1. pag. 131. 133. 14[illegible] (8)
Rep. 19 Pin. Gry. 56. Tho the Scholiast upon the Sovereign

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(7) For he who aims to conquer the King cannot by natural consequence intend less than taking away his life.