l. 19 Basil. lib. 60 Tit. 36 Says, that Majus talis Reus pro
ter Cogitationem dignus est pœnas sibi postea scivit. And
if some only of Several who Agreed to Levy war, do Actually
Appear in Arms, all who were in the Plot, whether they acted
=ted in the war or Not, are Equally guilty of this sort of high
treason, the Conspirators are traitors as Much as the Ac
=tors: there being no Accessories in Treason, but all being prin
=cipals who have any hand therein Cooke 3 Just. 9 Fulton de
Hale 1th pleas. Cor. pa. 1 pag. 133.
pace fol. Treasons 83. Dyer 98. b. Kel. Rep. 20. For the
same Reason it being Unknown who committed the Mur
=der of King Charles the first, Murdered was by Joint Resolu
=tion of the Judges laid in the Indictment that quidam ig
=notus with a Vizor on his face did it; and the persons par
=ticularly Indicted were present Aiding and assisting
there to, Kel. Rep. 10. And not only those who are Expres
=ly found to have been Aiding and assisting a Rebel
=ous Insurrection, but perhaps also those who are only
found to have Acted in the Execution of the Intended Trea
=son, or to have Attended the principal Offender from
the Beginning, tho they be not found to have known the
Design of the Rising, will be Adjudged guilty of high
treason: But those who are found only to have Accidentally
joined with them in the Streets, and to have Rising
up their hats and Hallowed with them are guilty of
no greater offence than a Riot at Most Hawkins P.C. fo.
lib. 1 Chap. 17 sect. 26. It is Certain there may be a Levy
ing of war where there is no actual Fighting, Hawkins
Ibid. sect. 27. That persons who Actually Levy war,
may not only be Indicted for that kind of treason,
but also for Compassing the Kings death to prove
which Compassing they Actually Levy war
may be laid as an overt Act Kel. Reps. 21.
31. It is high treason to Adhere to the Kings Enemies
by giving them Aid or Comfort within or without the
Kingdom 25 Ed. 3 cap. 2 Whether they be
temporary or perpetual Enemies. Subjects or Aliens
friends with the Kingdom who ow Local Obedience
or Allegiance to the King, Rising in Arms Against

him come not Under the Denomination of Enemies (who are
such as never owed Allegiance to his Majesty) and if taken are
either to be Executed by Marshal Law, or Ransomed) but are to
be Judged and punished as traitors Foke 3 Just. 10. & 11. Because
it is Morally Necessary in Government, that qui propulsare
ad Gentem se ad misericordiam Intrando territorium Cohortemve Regis
dant, quod Regni sui subditos tueri debet Bracton lib. 3. tract. 2. cap. 1. 6.
Hale 1th pleas. Cor. pa. 1 pag. 133. Enemies
England, were Adjudged Lord Harris case Hale pl. Cr. 15. Any
Alien Enemy Entering England without Safe Conduct or Licence
because he owes a Local Allegiance
as an Enemy, but a Subject after Entering him self to be Dead, or
is a traitor, Fulton de pace fol. Treasons 84 Hale 1th pleas. Cor. pa. 1 pag. 89. Yea
John Story Doctor of law was Condemned and Executed as a
traitor, for that Among other things he had at Antwerp Instituted
the Duke of Alva's Secretary how to Invade England,
and to Move the Scots to break into it, and the Irish to Rebel
at once: Albeit the Doctor had never sworn Allegiance to
the Sovereign of England, but only to the King of Spain in
Respect he was born in England and none can at pleasure
Abjure and Renounce his Native prince and Country Dyer 300
Dr. Stories case 14 Eliz. Municip. Bonigine. It is high treason for
any of our Soldiers in the Kings Army, to Correspond
with, or give Aid or Intelligence by Letters, Messages, Signs,
Tokens or other wise upon Land out of Britain, or upon Sea,
to an Rebel or Enemy of his Majesty, or to treat, or Contract
into Any Condition with them, without Licence from his Ma
=jesty, or the General Lieutenant General, or Commander
in Chief 7 R. cap. 4 § 17. If a Subject of England do Join
will the Kings Enemies in pursuit of a Design to burn or
take any Ships belonging to his Majesty or his Subjects,
that is an Adhering to the Kings Enemies, Vaugh. 382.
38. And Adhering to the Kings Enemies by assisting them
only against his Majesty, whose Enemies may be
Adhering against his Majesty, whose Enemies may be
thereby More Encouraged and Enabled to do Mischief
and Damage to his Majesty Vaugh. 42. It being
the duty of every Subject to fight with and Subdue the
Kings Enemies, and not to Confederate with and Strengthen
them. Nay the very going to and Accepting a Com-
=mission

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