procurors Counsellors Aiders and Maintainors. But such
as are guilty only of being Reconciled to the Pope are
free by Returning into the Realm and taking the oath
of the Government within six days after their Return
3 Jac. 1 cap. 4. A Jesuite Seminary Priest or other popish
Ecclesiastick in orders who is a Native of the Kingdom
ing into or Remaining in the Realm and not submit
ting to some Bishop or Justice of peace within
days, and taking the oaths &c. is guilty of high treason
Also any Student in a popish College or Seminary beyond
see, and not Returning into the Realm within six Months
after proclamation made in London for that effect, a
submitting to take the oaths, is also guilty of high treason

27 Eliz. cap. 2.

11 High Treason is incurred by the Aggravating Circumstances of Aslapping, after a former Conviction, of Crimes which of their own Nature are not treasonable. Thus, in order to obviate the terrible Consequences of the Insurrection of any foreign power upon the Government of the Realm, it is high treason to Maintain or depend advocate by a second time by writing Cyphering, printing, teaching preaching, the Authority Jurisdiction and power of the Bishop or See of Rome, within any of the Kings Dominions or to abet procure assist or adhere the Maintainors or defenders of it. But after a former Conviction and Pardon for the Like offence, Charitable giving of Relief nable Alms to any such offender without fraud or fa vour is not Understood to be a punishable abettor procurer assistor or adviser 5 Eliz. cap. 1. §10 Vid. Dyer 282. if any be Convicted and Attainted for the first Adhering Maintaining or Defending by writing printing teaching preaching word or deed, the Authority power or Jurisdiction ecclesiastical of any foreign prince Prelate State or Potentate within his Majesties Dominions or of abetting aiding procuring or Counselling the same, shall again commit the said offence, he shall be guilty of high treason 1 Eliz. cap. 1 §30.

12 It is treason for a person to break prison

where a traitors are, to let out the traitor. Hale pl. Cr. 109. High. Black. Cor. Bolt. pag. 141. 234. He is said to break the prison known rule that any Person who was present at the treason.

Sect. 2.

The Distinguishing severities used towards those who are guilty of high treason.

High treason is not Bailable 3 Edw. 1 cap. 15. But persons Committed for assisting Sir James Montgomery & Sholto merely in custody for high treason in his escape, were admitted to Bail; because the Commitment Warrant did not set forth what kind of treason it was 1 Sid. 5 Mod. Rep. 85. Standing Mute upon an Arraignment for this Crime is Equivolent to a Conviction by Verdict or Confession that it subjects the Criminal to the same Kind of Judgment and Execution as such a Conviction would do Co. 3 Inst. 14. 21 Hale pl. Cr. 226 Kel. Rep. 57 Whereas one Refusing in England to Answer according to Law to an Indictment of Ordinary Felony for which Clergy is not allowed, shall have the Judgment pain fort & dure called his Penance and forfeit his goods & Chattels as by a Conviction and not land 3 Edw. 1 cap. 12. 2 Hawkins pl. Cr. 330. 331. An Alien Stranger Indicted of high treason, is not allowed the Advantage of trial per Medietatem linguæ, that is, by a jury whose one half consists of Natives, and the other half of Strangers or Aliens Fulton de pace 193 & 37 Which Strangers may by the Law of England, in their trial for other Crimes pray the Court to allow them, and get 27 Edw. 3 cap. 8. 28 Ed. 3 cap. 13. 8 H. 6 cap. 29. There are no Accessories in high treason any Accessories but all are principals. So that he who by Command or perswasion procures another to Commit treason, or Receives a traitor knowingly after treason Committed by him, is a traitor and whatsoever will Make a Man or Woman Accessory in Felony will Make him or her a principal in treason Co. 3 Inst. 20. 21. 138 Hale pl. Cr. 215. Whoever Receives and Comforts a traitor knowing him to be such whether by Counterfeiting of coin or otherways is himself a principal traitor Hale pl. Cr. 127 Hawkins pl. Cr. lib. 2 cap. 29 Sect. 4. In short all are principals in high treason who Contribute toward it by Action or Approbation Kel. Rep. 12. Thus Lord Grey of Groby was of Council against King Charles the first, and held to be guilty of