

of the King's lands, or who misadvise his Majesty's proceedings are liable only to an Arbitrary punishment by Fines, Imprisonment, Banishment, or, if they be poor, by Corporal punishment not extending to life or limb Act 1. sess. 1. Parl. 2. In the Making or publishing a scandalous Pamphlet under the title of the Faculty of Advocates loyalty in a letter to the Lords of Session on the Revolution and the Government, was his laudable Resolution to Infor an Arbitrary punishment 11 March 1712 James Dundas Younger of Edinburgh. Beyond for Printing and causing to be Engraved on Copper plate in order to the Printing and publishing a significant Hieroglyphical Picture or Picture standing the said Statute of Parliament and their proceedings, were found liable to an Arbitrary punishment 21 April 1701 Mr John Gilmour and Charles Stuchbury, James being indicted upon the Act 4. sess. 1. Parl. 2. and the 6. A. cap. 7. 52 for Drinking the Pretendours Health Under the name of King James the Eighth and Drinking to his happy Restoration with Hurra's, Haul boys, playing, and other Marks of Joy: it was pleaded for the same a 17 they could not be indicted upon the Act 7 of Session Anno's Parliament of Scotland, because the same was innovated by the foresaid British Statute of the 6. thro' in consequence of the 15 Article of the Union, which by the said Statute published Right Policy and Justice Government are the same. Also the whole United Kingdom 24 they could not be indicted on the British Statute of the first Year of Queen Anne, in respect the Information of the words spoken was given to one or more Witnesses of peace within three days after they were spoken. 39 The Circumstances alleged are neither leading, Making, nor a Malicious affirming of the Pretendours Right to the Crown of Great Britain. Because there is no Demand made in person to whom the Designation of King James the Eighth is applied: and if Understood of the Pretendour Prince of Wales Implics rather a want of Right before Restoration. In which it was supposed 19 several Penal laws may be the foundation of a libel against the said 20 except where a posterior law abrogates the former. 29 whose words

spoken

spoken are not presently challenged the Challenge must be in by noon Information within three days, otherwise the Government is understood to pass over the Injuries as not to build upon the Statute of Gramours. But the Government instantly took care at minimum Jurisdiction by taking the offenders in flagrant Crime, and Committing them to prison upon a prescription of witnesses, whose Charge wanted the liberty were indicted. 39 The Circumstances alleged Viz. the Drinking the pretendours health as King James the Eighth and Drinking to his happy Restoration by a Scotchman, the Notes Clogs and Symbol of persons Disaffected to the present Government, is not on the leading, Making, but there is such a person as can be called King James the Eighth of Scotland, and that his Restoration would be a happy thing, but also is a public affirming his right, his known Engagement of his Majesty, and wishing him long life and a happy Restoration to the Excess of that power from which he is debared by a King's facts. The said Advocate objected his libel and the Conclusion thereof to an arbitrary punishment. Whereupon the Lords of Justice found that the Drinking of King James the Eighth's health, or Drinking to King James the Eighth's happy Restoration by the Parliament or each of them, is a libel relevant to Infor an Arbitrary punishment 10 Feb. 1715. John Graham of Newtown and Hog. A Medal of the Pretendour Contain ing the Effigies of Great Britain and Ireland, stamped with the face and figure of the one side with the Motto Reddite and on the reverse, the pretendours face well the Motto viginti, being presented at a Meeting of the Faculty of Advocates to be put in the Collection of their Medals; one who pleaded to Receive the Medal for this Reason that the pretendour had the Right of Blood, and that the said Medal was good, or words to the contrary Importing the same, and not by Injurers, the Receiving the Medal had been objected against as Injurious to the foreign right and Government. Albeit it was pleaded in Defense of that the