A lesser penalty for a Crime is Derogatory to and Anterior to imposing a Greater: the an act Introducing Greater pains than obtained by former laws, doth not Derogate from those.

Sect. 2.

Of Falsehood by facts that have no Relation to writing.

Acts of falsehood that have no Relation to Writings are 1° the Counterfeiting persons. 2° Usurping offices without a legal title. 3° the assuming false and fictitious qualities. 4° Counterfeiting things.

1° Persons are Counterfeited partes suppositione, by a Midwife laying and changing a Child, or putting one in the place of Another: which is justly punished with Death (Bl. Comm. 4. c. 16. Bornel. de fal. Bor. Decis. 82 n. 8 in fin. Regnor. Prax. Crim. 50 n. 8. Gorge. Gholes. Syntagm. Jurid. lib. 36 cap. 2 n. 3. Mascard. Crim. part 1 qu. 27. n. 11 in fin.) Joining therewith a Changeling, and to cause her is surreptitiously wormed out of his estate, and an Impostor succeeds to it by an Eggregious breach of trust. In which case the Changeling was not born of the supposed Mother may be proved by her oath (Prosp. Farin. de falsit. tit. de simulat. qu. 150 n. 247.)

2° Falsehood in the person is also committed when one assumes the Name of Another with intent to Deceive (l. 13 pr. Pand. Bornel. de falsit. Prosp. Farin. Ibid. n. 153. Carpzov. Crim. part 2 qu. 93 n. 33. Bl. Comm.) As Jacob did personate his Brother Esau Gen. 27. 19. One having stole two bonds caused Another usurp the Name and personage of the Creditor, and as such to give a Receipt to two Notaries in presence of witnesses to sign for the payment an Assignation to the bonds in favour of the Debtor upon which he received the Money, was adjudged to be hanged with one paper on his back and Another on his breast Containing in great letters those words, for that false Imposture and perjury 12 December 1611 David Dona for the like doom for Making his Confessor Represent a third person and cause a Notary sign a bond for Money as if he had been that third person 16 July 1613 Bap.

(a) one [illegible] Affidavit of Bill Robbins upon the Parol Robert Robins (?) called King James the Sixth, Bishop of Rochester and Spain with Mr. Ch. 3. Lord Mounteagle of Mr. Robins and Jesse 9 Jacobi Regis Robert Robins Labourer Aged 18 years or upwards Sworth Mr. Ch. 3. Lord Mounteagle Mr. Robins Jesse Robins Bishop of Rochester Mr. Robins Jesse Robins Bishop of Rochester Mr. Robins Jesse Robins Bishop of Rochester