

Appearance to Answer the law. Who failing to come at the last days proclamation, is said to be quinquies Excoatus, and then is outlawed by the Judgement of the Coronor in these terms, *ideo &c. per Judicium Coronatoris Domini Regis Comitatus & Utlagatus est.* This Judgement is termed Utlagaria Outlawry and the person so sentenced is said to be Attainted by process, or Attainted by Default or outlawry, and called an Outlaw, who after Judgement is Roturnd of Record by the Sheriff shall be corporally punished and forfeited in the same Manner as if he had appeared. After Judgement of Outlawry, a writ of Execution called *capias Utlagatum* may be issued out, which is a Warrant to the Sheriff to apprehend the Outlaw, and to keep him in Custody till the day of Return, and then present him to the Court in order to punishment for his Contempt. And he can make no Defence, so long as the outlawry stands in force: *ut sine lege proceat, qui secundum legem vivere solet* Savorit, *Rel. Rep. 13.* Persons Residing abroad beyond sea without the Kingdom, may be outlawed for high Treason, and thereby forfeit to the King their estate lying within any part of his Majesty's Dominions: *26 H. 8 cap. 13. 5 & 6 Edw. 6 cap. 11.* Women are not outlawed for their Contempt in not appearing to Answer the law for Crimes & Charges upon them, but are said to be *inviata* Waived, and not regarded but for factum. *Off the law Code 1 Inst. 122. 6.* because Women are not sworn to the King as men are to be ever within the law. When an outlaw is restored to the King's protection, he is *inlawed* again. Which Restoration is called *Inlawation*.

When a person against whom a bill of Indictment is found appears, or is taken upon process, in order to his trial he is committed to prison; high treason not beingailable

Sect. 2.

The form and Method of Trial of Commoners indicted of high treason or Misprision thereof.

The Proceeding after Bills of treason are found by the grand jury, is not altogether the same in all cases of treason. Persons indicted for high treason whereby Corruption of Blood to the offender or his heirs is Made, and Misprision thereof are tried according to a statutory Regulation in the Year 1695. *W. 3 cap. 3.* These Indictments

of treason for Counterfeiting the Kings coin, great or privy Seal, sign manual or privy signet, or other high treason not regulated as to trial by some particular Statute of law, are tried according to the Course of the Common law of England; *W. 3 cap. 3 § 13*

1.
The Method of trial of Commoners indicted for high treason whereby Corruption of Blood to the offender or his heirs is Made, or for Misprision of such treason.

Formerly a person arraigned upon an Indictment of treason or felony, could not have a Copy of the Indictment, tho he was sometimes *ex gratia* Inducted the favour of a Copy of the Pannel, *Russell's Gry. 29. 30.* Nor was such a one allowed Counsel to plead in his Defence, except it was some point of law: for the regard of the Testimonies and truth ought to be clear and Manifest beyond Contradiction. And generally every one of Common Understanding may as properly speak to a Matter of fact, as if he were the best Lawyer. *21* And requires no Manner of Skill to Make a plain and honest Defence, which in cases of this kind is always the best, the simplicity and Innocence, not least and Ingenious behaviour of one whose Conscience acquits him, having something in it more Moving and Convincing than the highest Eloquence of persons speaking in a Cause not their own: So on the other side the very speech Gestures and Countenances, and Manner of Defence of those who are guilty, when they speak for themselves, may often help to Discover the truth, which probably would not so well be discovered, from the Artificial Defence of others speaking for them. *22* The Court supplies the office of Counsel to him, and took care to instruct him in all things that concerned the order of pleading; it being their duty to be justifiably between the King and prisoner, and to see that the Indictment be good in law, and the proceedings Regular