

part 3 qu. 137 n. 728 fogg. Jo. Vost Comm. ad Tit. f. de Cadav. pu-
 nitor. Tho some think this practice Unlawfull, and Contrary
 to the law of Moys, which Appointes a Malefactor put to
 death and hanged on a tree, to be buried that day, and his
 charges his body to remain all Night upon the tree, Douc
 21. 22. 23. When the Innocence of persons hastily or Unjustly
 Executed for Crimes, is Discovered after their Death, when
 of them have been great Examples Val. Maxim. lib. 9 de
 temeritate Seneca de ira lib. 1. There is no remedy for their
 toring their lives: but the Attendants of such have been re-
 voked by the Parliament, as that of the Earl of Shafford
 13 & 14 Car. 2 cap. 29. Algernon Sidney, William Lord Russell,
 Alice Lisle, widow & Henry Cornish Edg. 1 W. & M. Parli. f. 1
 i

3.

Of Appeals in Criminal causes.

The Civil law Allows to Appeal in all Criminal
 cases l. 6 f. de Appell. l. 14 c. 29. l. 3 B. Ed. Except in some
 few, ^{viz} where the offender had Confessed the guilt l. 2 C.
 quorum Appell. non Recip. Or was the Author of a tumult
 in which a Man was Killed l. 6 B. ad L. Jul. de vi publica
 vel pris. or where it was the Interest of the Common
 Wealth to have him speedily punished l. 16 f. de Appell.
 or where one is found to have Coined false Money l. 1
 C. de falsa Moneta or Committed a Rape l. in. inf. p. r.
 C. de Rapto Virg. Which Appeal should be Made within
 in ten Days after pronouncing the sentence, Nov. 23 cap.
 1. Auth. Rodie C. de Appellat. But in the opinion of the
 Doctors, this time for appealing doth not Expire in
 Gravamine successivo, as when one is Condemned to
 Imprisonment or Banishment or to the Gallies. In
 which imitate Gravamen semper Creatur esse, Insuper
 one is understood to be Always within the Days of
 Appalling, Prosp. Garin. Fragment. Crim. part 1 arg.
 Appell. Compus.

In France, it is lawfull to Appeal in all Criminal cases
 Bugnon de loix abrogées l. 2 sect. 146. Brillion Dictionor des
 Arrests. f. de Mot. Appol. l. 236.

The Customs of other foreign Nations in this point,
 may be gathered from Gilbert Biguon (des Loix abrogées
 ibid.) S. a Groonwogen (in l. 2 Equorum appol. non Recip) & S. Van
 Loenen (Confur. Gronov. part 2 lib. 2 cap. 17) and others.

The Particular practice in Germany, is set forth by
 And. Gail (lib. 1 obs. 1 n. 28 lib. 1 de pace public. cap. 11. infir.)
 and Casp. Novius (Crim. part 3 qu. 139 n. 14 & fogg) and that
 of the Netherland by And. Matthaeus (de Crim. lib. 4 c. 1 f. 1
 20 cap. 2 n. 22 cap. 4 n. 25) and Jo. Vost. (Comm. ad Tit. f. de Appol.
 n. 16 & 11

4.

Concerning Actions of Error.

Error is Commonly understood to be that Crime which
 Offenders are guilty of by wilfully Absolving a Criminal
 Unjustly: which is punishable by Confiscation of Movable
 to the Kings use, Infamy and Imprisonment for Year
 and day Act 48 Parl. 6 Act 64 Parl. 8 J. 3 partic. Reg. Magist.
 lib. 1 cap. 14. For it is Generally thought that (arg. d. act. 64)
 Absolvion cannot be pursued as before Granted for Con-
 demning Unjustly. Because, if its probable, that they
 would not Condemn Unjustly, the they might be induced
 out of pity or sympathy to shew favour in Absolving
 27