

* 1. which is not so to be understood, as ~~some~~ some do imagine: But only that the first man had Right to part and chuse out of the common Stock of the Earth what they found most convenient for their use and Improvement, as necessarily profit or pleasure; leaving the rest to be appropriated and possessed in the proper Time by such as came after them. For as soon as there were two men capable of occupancy, the distinction between Moun and Tium first appeared. Cain by taking to himself Ground proper for Gardens and Corn fields and selling it in order to Gain profit by the Fruits it produced, acquired the property thereof; Abel by taking to him self Sheep and cattel and chusing out proper pastures to feed them, and taking care to preserve them in order to gain profit by their Increase and Fatness, became owner and proprietor of them. For had there not been first a distinct property in ownership in Cain of the Fruits and in Abel of the Flocks, Cain might have claimed the benefit of Abels offering as well as Abel himself, and Gods acceptance of Abels offering, had been the acceptance of Cains, because if all things were then in Common, Cain had as much Right in it, as Abel, which is absurd to think. Roger Atterley Britannick Constitution chap. 1. Sect. 5.

* property introduced at first by possession, was the Inconveniens to Industry and Emulation, and made the difference between the Idle and laborious, the frugal and the prodigal: For no Man would labour to acquire without hopes to enjoy, as ~~his~~ his own, and not so quile dopted of or oblig'd to communicate part, or use or other ~~less~~ Interest therein without his own consent. Tho' it must be own'd there was a Time when every mans property, and his natural Right in it lay at the more strong and ambitious for want of humane power to defend it or Laws to punish Injurers and offenders.

* Original property was more ascertain'd and established in Places than in the Field. For the first proprietors who had Room enough in the Earth did not always continue in possession of the same spot of Ground they first set down upon, but used frequently after their manuring and cultivating, or pasturing their flocks for some time upon one piece of Ground to remove with their substance to another place, leaving that where they formerly lived to the next occupant.

* The Learned English Lawyer exclaims mightily against this Loosing-making Law, as if it had done the Subject to bear all manner of wrongs and oppressions, and restrain'd him from praying to be deliver'd from them. In regard no man petition the King for Relief against a Grievance, without describing the nature, cause and Reason of that Grievance, which cannot properly be a Grievance unless it proceed from some illegal or oppressive Act or male Administration of Government done by the King or himself, or by others commission'd by him. And the words of that Law are so general, that no man knows how to speak or write of the Administration, without being intell'd within the Reach of such a Law. ~~From which that Learned Lawyer doubts whether the north Brittons were, before the union, Freeman, or not.~~ Roger Atterley, Britannick Constitution chap. 9. Sect. 27.

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Roger Atterley Britannick Constitution chap. 13 Sect. 2. says that the late Edition of the Statutes at large is corrig'd for not printing several Statutes relating to the State and Government as for not printing at large the Statute of 40 Edw. 3 which defines the power of the first King. nor the Statute of 11 Rich. 2. cap. 1. which is printed in the Statute of 29 H. 6. whereby the jurisdiction to the Crown was limited to the House of York, and the Statute of 4 Hen. 8. concerning Richard's Title, by which that special privilege of Liberty of Speech in Parliament is declared and established, and when Act was declared in the Parliament by 10 Edw. 3. as general Law as appears in the Report or Law book called Crocus Chiefr. Sect. 509. and for not printing at large the Statute of 15 E. 2. generally call'd in Humis de lo & s. for for for for & Kelly. nor the Statute of York made in the June 15. 2. whereby that Statute of Edward Humis de was repealed, because it was made not only without the consent of all the Lords Spiritual; nor the Statute of 1 Edw. 3. whereby that Statute was repealed; nor the Statute of 21 R. 2. whereby the Statute of 1 Edw. 3. was repealed; nor the Statute of 1 H. 4. cap. 3. whereby all the Statutes and proceedings of the Parliament of 21 R. 2. were repealed.

* when a person after he was convicted of capital crimes, by verdict of an Assize, made his Request of pardon, Judgment was given against him to undergo the ordinary punishment of such crimes, when he sought his pardon at such a Time and place as in such manner as the King should think fit. appoin 23 December 1681. Arthur Earl of Argle had a pardon intended to mitigate the punishment of a man who should be apprehended was upon his coming apprehended immediately adjudge by the Lords of the Treasury to be pardoned 21 August 1683. Alexander Gordon younger of Carlston. another who after he had received sentence of death made his Escape out of prison, being apprehended again, the Lords authorized the Command of the Magistrate of Edinburgh to put that sentence to execution at such an hour of a certain day 5 March 1684. Mr John Dick.

* Again a petition for the same was sustained at the Kings Adboard Justices where no private party complained 5 April 1686. Gual. James.