

Supposed for six months for the found fault, and pay 80 pound more for the same before the suspension
 be removed. And each writor to the signet must upon the first Mondays of July and December yearly
 or at least within 30 days of the said suspension be present in person or by attorney and make
 make oath that he hath not contravened or transgressed the injunctions aforesaid in any points before
 the Hoopes and commissioners of the signet, or any two of them, otherwise their letters
 are to be stopp'd at the signet till they purge themselves by such an oath. If any member be suspn
 ded upon Mallice holds a bar & omission, he shall be liable to pay his fine & costs & be
 he is reported to the excess of his office, but also to be listed last of the in the roll of the writors for the
 time, & of the writors to the signet 19 February 1722.

* n. 1. In the Trial of a crime two things require to be proved.
 1^o The corpus delicti. 2^o That such a crime was committed. l. 192 ff de fonalus. Sylvariana
 l. 5 ff no quis dicitur in ius hoc. l. 23 ff in. ff ad l. Aquil. l. 192 ff de Lustron. l. 29 ff de
 foston. mili. dicitur. 17. 4. which must be proved or manifest before any person be charged
 with the guilt of it, tho' he should take it upon him by a proscriptio confessione. Bonifac
 nemo est dominus membrorum suorum l. 13 ff ad l. Aquil. l. 6 ff de appoll. Jul. Clar.
 fonton. lib. 5 ff in. quest. 55 n. 10. Carprob. crim. part 1 quest. 16 n. 1. 2. 3 part 2 quest. 81.
 n. 1. 2. part 3. quest. 108 n. 4 & seq. and many have confessed their guilt of crimes wherof
 they have afterwards been found innocent.

* In order to know how the body or object of a crime is to be proved, we must distinguish
 crimes that have permanent and lasting effects obvious to the eye from those wherof the
 effects are transient and vanishing and leave no vestige.

* In crimes whose effects usually continue and are durable as murder the proof is raising
 coming false money &c. if the mark on the dead body or false coin or rubbish of the
 house remain, the same might appear from ocular inspection or other undoubted evidence
 and not by the simple confession of the party accused. Jul. Clar. fonton. lib. 5 ff in.
 quest. 55 n. 11. Carprob. crim. part 1 quest. 16 n. 5 & seq. part 2 quest. 81 n. 3. 4. part 3
 quest. 108 n. 26. 30. quest. 148 n. 47. 78.

* If no vestige of the fact be extant as when a fight of a person killed cannot
 be had for that the body has been cast into the sea or burnt to a cinder or devoured by
 dogs or swine or secretly buried, it seems to be a sufficient Indication of the crime
 that the person charged with it confesseth, that he killed and threw into the sea, a
 known man who cannot be found, if the confession be fortified with presumptions of
 common sense or blood found in the place wher the fact was committed. Carprob. crim.
 part 1. quest. 16. n. 17. & seq. part 3 quest. 108. n. 11. 12.

* Or if goods stolen or robbed be put out of the way or destroyed, the oath of the owner of
 the goods may sufficiently instruct the Robbery or theft. Carprob. crim. part 2. quest. 81
 n. 15. 16. 17.

* If false coin be lost, the act of false coining may be cleared from public Rumour
 and presumptions. Carprob. crim. part 3 quest. 108 n. 11.

* In occult and secret crimes that are hard to be proved, or in those crimes whose
 effects are usually transient and disappear or leave no vestige, as Adultery, Incest,
 Sodomy, Blasphemy, a compact with the devil, or wherof are perfected solo animo
 as Heresy, confession of the party with strong convincing presumptions sufficient
 to found a sentence condemnatory without farther Inquiry after a Corpus delicti
 prosp. Farin. de Inquis. quest. 2. n. 12. 13. Carprob. crim. part 1. quest. 16 n. 4. quest.
 49. n. 57. 58. part 2 quest. 81. n. 3. quest. 76. n. 50 & seq. part 3 quest. 108 n. 33. 36 & seq. quest.
 148 n. 49 & seq.

* In Crimes not inferring Capital punishment, it is not necessary, that the corpus delicti
 be extant or made appear otherwise than by presumptions & conjectures. Carprob.
 crim. part 3 quest. 108. n. 39. 40. Jul. Clar. fonton. lib. 5 ff in. quest. 20. bors. h. Elias
 Lamon.

n. 1. Nothing hinders a person convicted and punished for a lesser crime, viz for wounding a man, to be again indicted
 for a greater crime viz Homicide arising from the same fact upon this ground that the man died of the
 said wound arg. l. 96. l. 47 ff. ad l. Aquil. But if upon the first Indictment for wounding he was acquitted
 he cannot be afterwards indicted of manslaughter occasioned by such a wound wherof he is already found
 innocent. Ant. Tabor. Cod. lib. 9 Tit. 10. Def. 10. Jo. Boet. comment. Tit. ff de Accus. n. 12 in fin.

* 2. In England the writ of Habeas Corpus is allowed to appeal in all criminal cases. l. 10 ff de Appollat. l. 19. l. 3. C. 2. ad
 except in some few cases wher the offender did confess the guilt. l. 2. C. Quorum Appoll. non recipi.
 or wher it was the interest of the common wealth to have him speedily punished. l. 16 ff
 de Appollat. or wher one is found to have committed false Money. l. 1. C. de Falso Moneta, or committed
 a Rape. l. 1. in fin. per C. de Heredit. Virg.

* In France it is lawful to appeal in all Criminal cases. Bignon des Loix aduogor. lib. 2.
 sect. 146. Brillou Dictionaire des Loix. Jus Not. Appell. n. 236 & seq.

* The customs of other foreign Nations in this point may be gathered from phillibert Bignon
 des Loix aduogor (Ibid.) l. 2. a. p. 100. in l. 2. C. Quorum Appoll. non recipi. & l. 1. Bon
 Bouvier (Consul. theoras. part 2. lib. 2. cap. 17) and others.

* The particular practices in Germany is set forth by And. Gail (lib. 1. obsor. l. n. 28. lib. 1. de
 pace public. cap. 1. in fin.) and Carvobius (Crimin. part. 3. quest. 139. n. 14 & seq.) and that
 of the Netherlands by Ant. Mathias (de Crimin. lib. 49 ff. Tit. 20. cap. 2. n. 22. cap. 4. n. 25.)
 & Jo. Boet. C. Comm. ad Tit. ff de Appoll. n. 10 & 11.

In England there lies no appeal against any criminal Judgment nor is Instable of the civil
 Law pag. 402

But in England an Attainder may be reversed by a writ of Error (answering to the writ of
 = Felton d'error in the French Law) upon the account of some oversight in the process, or by
 falsifying the attainder, or instructing it to be false and unjust.

Before the union of Scotland and England there lay a remedy of Law against Sentences of the court
 of Justiciary in the parliament of Scotland, and since that time Appeals have from the House of peers
 * By the civil Law an Appeal must be made within ten days after pronouncing the sentence. Rob. 23. cap. 1.
 Ant. Hod. Cod. de Appollat. But the opinion of the doctors this time for appealing doth not expire
 in Gratiano's Jurisprudentia, as when is condemn'd to Imprisonment or to banishment or to the Gallies, in which
 cum into Gratianon Jurisprudentia, as when one is condemn'd to be always within the terms of appealing
 prosp. Farin. Fragment. crim. part. 1. n. 236.