N. ✱ being the Duty of all Good Subjects to concurr and assist when required by publick Authority

No. 90 Ibid. Impr. Farin. de Reg. Tabus quæst. 77. N. 71 & 99. Leg. Lex de Reis & Tom. 1 Lib. 3 Tit. 6 fol. 3 art. 22.

~~If the crime of the Libel is a necessity also for punishing the attempt with the crime~~

✱ If no objections be made against the witnesses as in the Inquisitory page 349 infra.

N. ✱ This on Libel Design is presum'd 1°/ from the quality and character of the persons as in a cunning man dealing with a simpleton, or in one who offended a person he was formerly at Enmity with, or in a person who used to commit such wicked acts, according the Brocard, Semel malus, semper præsumitur talis, prosp. Farin. de pœnis Temperand. Quæst. 89. N. 74. 75.

✱ 2°/ an Libel Design is gathered from the nature of the Fact l. 182 ff. de Reg. Juris & not Except where it is grossly Unlawful or irregular, as in Homicide, Theft, Adultery, Sodomy, prosp. Farin. ibid. N. 77.

✱ An Libel Design is inferr'd from a fact tho' innocent of its own nature, because forbidden by Law, and dolus præsumitur contra Reum in illicito, as the buying or selling prohibited goods, or conversing with a woman after the Church hath excommunicated it. Fr. Farin. ibid. N. 81 & 99.
Mackenzie crim. part 2 Tit. 1. §. 4.

✱ Again an act may be held to be good or Libel according to circumstances: as the giving of poison which may be done tho' ignorance, mistake or malice; the kissing and imbracing a woman, which may be done out of civility or from a principle of Lust.

✱ 3°/ when one in office doth any thing in virtue of it without observing the duty of his office he is understood to have had a bad Design in so doing l. 7 pr. ff. de Admin. & peric. Tut. prosp. Farin. ibid. N. 95.

✱ 4°/ An Libel Design may be inferr'd from Circumstances proceeding, and subsequent to the fact prosp. Farin. ibid. N. 98. 99. 100.

✱ N. 1. Sir Walter Ogilvie of Lethkin son to Sir Walter Ogilvie of Auchter House was made Lord high Treasurer in the year 1425, and he was the first who enjoyd that dignity in Scotland after a series of 35 Lords high Treasurers, upon the death of George Earl of Dunbar the last of that number in the year 1611, the Treasury was put into Commission, and the Administration of the Royal Revenue committed to Alexr Earl of Dunfermling Lord Chancellor, Sir Alexander Hay Secretary, Sir John Prestoun Lord president of the Session, Sir Thomas Hamilton Lord Advocate, Dr Spotswood Archbishop of Glasgow, The Lord Scoon, Sir Robert Murray, Lord Elibank, and Sir John Arnot of Berwick provost of Edinburgh (Calderwoods Large Ecclesiastical History MS. But a new Change at Court in Less than two years thereafter, Sir Robert Kerr (afterwards Viscount of Roxburgh and at Length Earl of Somerset) was made Lord high Treasurer of Scotland in the year 1613. upon whose Fall John Earl of Marr was preferred to be Lord high Treasurer in the year 1615. He Resigned the office, it was conferr'd upon William Earl of Morton in the year 1630. upon his Resignation of that high office, John Earl of Traquair was made Lord high Treasurer, who kept the post till the year 1641 when it was taken from him and put into Commission by the parliament and the management of the Treasury given to John Earl of Loudoun Lord Chancellor the Marquiss of Argyle, The Earl of Glencairn, the Lord Lindsay, and Sir James Carmichael.

Estates of parliament made John Earl of Crawfurd Lord high Treasurer. In which post he continued after King Charles 2 Restoration by a new commission from his Majesty, till the year 1663, when because the Earl of Crawfurd would not take the Declaration abjuring the Covenant, John Earl (and thereafter Duke) of Rothes was made Lord Treasurer in his place. upon whose Resignation he got Lord high Chancellor in the year 1667 the Treasury was put into Commission to the Lord Chancellor himself, The Earls of Lauderdale Tweddale, & Kincardine, the Lord Collingtoun afterwards Earl of Dundonald and Sir Robert Murray Lord Clerk Register continued in Commission (tho' some of the Commissioners were changed) till the year 1682, when William Marquiss (afterwards Duke of) Queensberry was made Lord high Treasurer, who had that great office till the year 1685 when he was then Lord and his Treasury put in Commission. Since which Time there was neither in Scotland a Real Lord high Treasurer: But only honorary or Titular ones, who from Time to Time pro re nata were named by the King to Represent the office, or sit and vote in parliament as Lords high Treasurers; this Crown having by the Late Glorious Revolution a Right, when any office of State priviledged with a Seat in parliament is in Commission, to appoint a single person to Represent them there.