

# TREASONS

BY THE

## LAW S of ENGLAND.

**W**hereas many Persons of late have Transgressed against the Laws of the Land by open violence, and committed Treason and Murder under the notion of Liberty of Conscience, and pretence of reforming Religion: and to the end that Offenders in the like (and other cases) may not plead ignorance of the said Laws established and confirmed by many Acts of Parliament, it hath been thought necessary to publish a brief Collection of what is Treason by Law, that so all being informed thereof, no Person may unadvisedly fall into danger.

By the Statute of 25. of Edward the 3. Cap. 2.

First, To Compass or Imagine the death of our Sovereign Lord the King, Queen or Prince, or of any that is Heire Apparent to the Crown, it is High Treason.

Note, That by the Common Law before and at the time of making this Statute: If a man had only imagined to Murder or Rob another, and to that end had assaulted him, though he killed him not, nor took any thing from him, yet was it Felony and to suffer death, as in these two Cases following.

A mans Wife went away with her Avowturer, and they compassed the death of her Husband, and as he was riding towards the Sessions of Oyer and Terminer and Goal delivery, they assaulted him and strooke him with weapons that he fell down as dead, whereupon they fled, the Husband recovered, and made Hue and Cry, and came to the Sessions, and shewed all this matter to the Justices, and upon the Warrant of the Justices they were taken, indicted and arraigned, and all this special matter was found by Verdict, and it was adjudged that the man should be hanged, and the woman burnt.

In another Case a Youth was arraigned for that he would have stolen the goods of his Master, and came to his Masters Bed, where he lay a sleep, and with a knife attempted with all his force to have cut his Throat, and thinking that he had indeed cut it, he fled, and all this matter being found by special Verdict, he was adjudged to be hanged. Quia voluntas reputabitur pro facto, the will being taken for the deed. Cooks Pleas of the Crown fol. 5.

If then to imagine only the death of a Subject be Felony, with much Equity then have our Laws made it Treason to compass or imagine the death of the King, who is the life and light of the Commonwealth, &c. without whom all things run into confusion, as hath been too too wofully experienced of late.

Secondly, To Levy War against the King, &c. in the Realm, and proved by some overt act, as to incite by Letters against the King, or to provide weapons and the like, it is High Treason: For no Subject ought to levy War within the Realm without authority from the King, for to him it only belongeth, Stat. 25. Ed. 3. Braet. Lib. 3. fol. 118. Britt. fol. 16. Fleta Lib. 1. cap. 21. F. N. B. 113. a. Inst. 3. fol. 12.

So that if many conspire to levy War, and some of them do levy the same, or appear in Arms according to the conspiracy, this is High Treason in all, for in Treason all be Principals, and the War is said to be levied by such a conspiracy. Cooks Pleas 9. pag.

If any with strength and weapons, invative or defensive do hold and defend any Castle, Fort or the like, against the King and his Power, this is levying of War against the King, and so is High Treason. 3. Inst. pag. 9. & 10.

If any levy War to expulse strangers, or to deliver men out of Prison, it is High Treason. Inst. 3. fol. 9.

To Usurp the Royal Power is High Treason.

To raise force, to remove Counsellors from the King is High Treason.

To alter the Established Laws by force in any part is High Treason.

To indeavour by force to any pretended Reformation, is a levying of War against the King, because they take upon them Royal Authority, which is against the King, and so is High Treason, 3. Inst. pag. 9.

If two, three or more do rise purposely to alter Religion established within this Realm, or any Law, or to go from Town to Town generally, and to cast down Inclosures, this is a levying of War within the Statute, (though there be no great number of the Conspirators) because the pretence is publick and general, and so it was adjudged by all the Judges of England, Cooks Pleas fol. 9. & 10.

It was resolved also by all the Judges in the Reign of King Henry the Eighth, that an Insurrection against the Statute of Labourers, for the enhancing of Salaries and Wages was a levying of War against the King, because it was generally against the Kings Laws, and the Offenders took upon them the Reformation thereof, which subjects by gathering of Power ought not to do. Vide Cooks Pleas, Title High Treason, 3. Inst. 10. pag.

Thirdly, To be adherent to the Kings Enemies, is High Treason.

As to be Aider, Comforter or Assistant, either within the Realm or elsewhere.

The Delivery or Surrender of the Kings Castles, Forts, or the like, to the Kings Enemies, either within the Realm or without, is an adhering to the Kings Enemies, and so it is High Treason, Rgt. Parl. 7. R. 2. num. 15, 17. 24. 7. H. 4. 47.

Where a man procureth or consenteth to Treason, it is Treason.

Where a Jaylor doth voluntarily permit a man committed for Treason to escape, it is Treason.

Where a man relieveth or comforteth a Traytor, knowing of the offence, it is Treason, 3. Inst. 129. pag. And knowing of Treason hereby, without aiding or concealing the Traytor, is Misprision of Treason, and to suffer Imprisonment during life.

Fourthly, To Violate the Kings Wife, the Kings Eldest Daughter unmarried, the wife of the Kings Eldest Son and Heire Apparent, it is High Treason.

Fifthly, The Counterfeiting of the Kings Coine without utterance thereof, it is High Treason, Stamf. 3. c.

If any bring false Money into the Realm, or Counterfeit to the likenels of English Money, with intent to utter it, knowing it to be counterfeit, it is High Treason, 3. Inst. 17. 1. & 2. P. & M. 11.

To Clip, Wash, Round, File the Money of England, it is High Treason, 5. Eliz. cap. 11. Or to impaire, diminish, falsifie, scale, or lighten the Kings Money, by any wayes or means whatsoever, it is High Treason, 18. Eliz. 1.

Sixthly, To Counterfeit the Kings Great Seal, Privy Signet, Signe Manual, it is High Treason, 1. M. 6.

Seventhly, To kill the Chancellor, Treasurer, Justices of the one Bench, and the other, Justices of Eyre, Justices of Assize, Justices of Oyer and Terminer, &c. in their places performing their Offices, it is High Treason, and the reason is, because sitting judicially in their places, (that is in the Kings Courts) and doing their Office, in administration of Justice they represent the Kings Person, who by his Oath is bound that the same be done.

Lastly, Maintaining or Extolling the Authority of the Bishop or Sea of Rome, in the Kings Dominions, the second offence, it is Treason, in obtaining of Bulls, or Instruments from It, &c. is Treason, 13. Eliz. 2. 5. Cooks Pleas 2. 5. Eliz. 1.

Perfwading or reconciling, or for being reconciled to the Roman Religion, it is High Treason, 13. Eliz. 1. 3. Jac. 4.

Where any Jesuite or any other Priest Ordained since the first year of the Reign of Queen Eliz. shall come into or remain in any part of this Realm, it is High Treason, 17. Eliz. 2.

Where any person brought up in a Colledge of Jesuites, or Seminaries, and shall not return within six moneths after Proclamation made; or within two dayes after his return, submit himself to take the Oath of supremacy, it is High Treason, 27. Eliz. 2.

Note, That every man as soon as he is born oweth Legiance to the King in whose Realm he is born, and are obliged and bound as virtually by implication of the Law, as if they had expressly sworn. The Law presuming every one to be sworn.

2. That the administering of the Oath of Allegiance at Court Lects to all persons of 12. years of age, is to mind them of, and oblige them to their duty.

3. He that taketh an Oath to the present King, is obliged by that Oath to his Successours, because by the Laws of the Land the King never dies.

4. That the King is absolute King before Coronation, for by the Laws of England there is no Inter-Regnum, and Coronation is but a Solemnity of Honour: and so it was adjudged by all the Judges of the Land, Hill. 1. Jacob. in the Case of Watson and Clarke Seminary Priests, for by the Laws there is alwayes a King, in whose name the Laws are to be maintained and executed, otherwise Justice would fall. 9. Ed. 4. 1. b.

5. That all persons as well Ecclesiastical as Civil: As well of one Sex as the other, are lyable to the penalty of the Statute.

6. All men within the Realm of England, and whose Sovereigns are in amity with the King of England, are within the Protection of the King, and if they commit High Treason against the King, they shall be punished as Traytors.

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Cooke lib. 9.  
fol. 28.  
Dyer fol. 98.  
1. Edw. 3.  
fol 24.  
Brooks Treas-  
ons 1, 2, G.

Cookes Pleas  
Crown. fol. 5.

Brooks Treas-  
ons. 1. & 13.  
Fitz. Tryal.  
54. E. 3. ca. 2.