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lege is not well observed; and many Crimes have no particular Names, but pass under some very general Denomination, as Leasing-making, and Stellation.

3. Crimes and Offences may, under divers Views, be variously distinguished, and placed in different Orders, but I shall range them in what I conceive to be the most simple and natural Way, by dividing them, 1. With respect to the Objects they may have Relation to, or the Parties injured, into those more immediately levelled against God, and such as Man is more directly offended by. 2. Many Crimes may be more particularly distinguished into those relating to Offices, Law-suits, and the Execution of Law and Justice. Mean Time it is necessary to observe, that there are some Crimes and Offences of a complex Nature, which consist of double Characters, and have Relation to more than one Kind: These shall be ranked according to what I think to be their most natural Situation.

BOOK II.

Of Crimes levelled more immediately against God.



THESE are Atheism, Blasphemy, Heresy, Apostacy, Witchcraft, Perjury, and other open Impieties, Immoralities, and Profaneness,

CHAPTER

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CHAP. I.

Of Atheism and Blasphemy.

1. **A**THEISM is a Denying the Deity, and not believing the Existence of a God, or a Providence, and the Want of all Religion. Any Person found guilty of denying God, or any of the Persons of the blessed Trinity, is, if he obstinately continue therein, liable to the Pain of Death (a). Who, in Writing or Discourse, deny, impugn, or quarrel, argue or reason against the Being of God, or any of the Persons of the Trinity, or the Authority of the Scriptures, or the Providence of God, shall, for the first Fault, be imprisoned till they satisfy publicly in Sackcloth, the Congregation where the Scandal was given; for the Second shall be fined in a Year's valued Rent of his real Estate, and the twentieth Part of his free personal Estate, Half to the Poor of the Parish where the Crime is committed, and Half to the Informer, and farther shall suffer Imprisonment, till he give Satisfaction to the Congregation, as aforesaid. The Offender for the third Time, is punishable by Death as an open Blasphemer. The first Fault may be tried and punished by any Magistrate, Judge or Minister of Law in *Scotland*, the second by Sheriffs, Stewarts, Bailies of Bailiaries and

(a) Act 1. Parl. 1. Sess. 1. Ch. 11.

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and Regalities, and their Deputies, the third by the Lords of Justiciary (*b*).

2. Blasphemy is an Injury offered to God, attributing what doth not belong to him, *viz.* what is derogatory to, and inconsistent with his Divinity; or by denying what doth belong to him, and attributing to the Creature, that which is proper only to the Creator. Whosoever is found guilty, before the Court of Justiciary, of railing upon, or cursing God, or any of the Persons of the blessed Trinity, may be punished with Death (*c*).

3. The Reason why the simple Railing upon, or Cursing God, or any of the Persons of the Trinity, is punishable with Death, and the Denying them only so punishable, when aggravated by the Offender's Obstinacy, is perhaps, because the latter Crime may proceed from Ignorance, and the former argues Malice. No Person furious or distracted in his Wits, can be punished as an Atheist, or Blasphemer (*d*). But Ignorance, Rusticity, Drunkenness, Passion, or Railery cannot be pleaded in Excuse for either of these Offenders.

C H A P. II.

Of Heresy and Apostacy.

1. **H**ERESY is a Christian's pertinacious owning of Errors or false Opinions, contrary to the true Doctrine of the Christian Faith

(*b*) Act 11. Sess. 5. Parl. K. W. (*c*) D. Act 21, (*d*) Ibid.

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Faith clearly revealed in Scripture. For *Jews, Pagans* and *Mahumetans*, who are Enemies to our Faith in general, or do not profess the Name of *Christ*, and those who err ignorantly without adhering stiffly to their perverse Notions, are not reckoned, or treated as Hereticks. Error in Point of Faith, is not Heresy, unless attended with Obstinacy in the Defence thereof: 'Tis properly the Obstinacy that constitutes the Character of Heresy; not the Error. There is no express Punishment in our Law against any other Hereticks, than Papists, and especially those of the trafficking Sort, concerning which there will be Occasion to speak afterwards. Heresy may be tried by the General Assembly, in order to Censure and ecclesiastical Punishment; and by the Court of Justiciary, even in the first Instance, in order to civil Punishment.

2. Apostacy is, a deserting and abandoning the true Religion; or a Renouncing the Christian Faith, to embrace some other Religion. The Offender is termed an Apostate, or Renegade, or Renegado. The true Difference betwixt whom, and a Heretick is; that the latter abandons only a Part of the Faith, whereas the former renounces the whole. However a protestant Servant turning *Roman* Catholick in a popish Family, is punishable as an Apostate, and not to serve there, or any other popish Master (a).

C H A P.

(a) Act 28. Scil. 6. Parl. K. W.

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C H A P. III.

Of Witchcraft.

1. **W**ITCHCRAFT is, that black Art, whereby strange and wonderful Things are wrought by a Power derived from the Devil. It goes under several Names taken from particular Effects and Ways of its Operation : As those of *Magick*, because it is a Knowledge of more than is lawful to be known ; *Divination*, from the Revealing of Things past, present, or to come ; *Enchantment*, from the Working by Charms or ceremonious Rites ; *Sorcery*, from the Casting of Lots, to bring hidden Things to Light ; *Necromancy*, from the Calling up and Consulting the Devil, in Form of some dead Person ; *Fascination*, from the hurting Creatures by envious Looks, and Eye-biting, or by Words, &c. Those who practise this Art are in like manner termed Witches, Magicians, Diviners, Enchanters, Sorcerers, Necromancers, Fascinators. Which Names given for different Causes to the Devil's Disciples, are for the most part promiscuously used to signify any Person, who, by Covenant with Satan, and his Assistance, doth work strange Things ; because of the Affinity of all their Operations, which have the same general Foundation and Tendency.

2. Witch-

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2. Witchcraft is wrought by Covenant or Compact with the Devil, exprefs or tacite.

[1.] An exprefs Covenant is entred into betwixt a Witch; and the Devil appearing in some vifible Shape. Whereby the former renounceth God and his Baptifm, engages to ferve the Devil, and do all the Mifchief he can as Occafion offers; and leaves Soul and Body to his Difpofal after Death. The Devil on his Part articles with fuch Profelytes, concerning the Shape he is to appear to them in; the Services they are to expect from him; upon the Performance of certain Charms or ceremonious Rites. To fome he gives certain Spirits or Imps to correspond with; and ferve them as their Familiars; known to them by fome odd Names; to which they answer when called. Thefe Imps are faid to be kept in Pots or other Veffels that fink deteftably. This League is made verbally, if the Party cannot write. And fuch as can write, fign a written Covenant with their Blood; On the meaner Profelytes, the Devil fixes in fome fecret Part of their Bodies a Mark, as his Seal to know his own by; which is like a Flea Bite or blew Spot, and fometimes refembles a little Teat; and the Part fo stamped doth ever after remain infenfible, and doth not bleed, tho never fo much nipped or pricked by thrufting a Pin, Awl, or Bodkin into it. But if the Covenantant be one of the better Rank, the Devil only draws Blood of the Party, or touches him

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or

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or her in some Part of the Body, without any visible Mark remaining.

[2.] A tacite Covenant with Satan is understood to be entered into by those who knowingly use the superstitious Rites or Ceremonies observed by Witches, or unlawful Means to bring any Thing about, which they know to be ineffectual in themselves without the Devil's Concurrence:

3. Witches use to be distinguished into good and bad Witches. The bad Witch, commonly called the black Witch, or binding Witch, is one who, by a League with the Devil, is assisted by him to work Mischief. The good Witch is he or she who useth diabolical Means to do Good, as to heal Persons, loose or undo Enchantments, and to discover who are bewitched, and by whom. But this Term of a good Witch is very improper, for all who have Commerce with Satan are certainly bad.

4. Some Works of Witches are really what they seem to be: Others are mere diabolical Juggling, or a Delusion of the Eyes of Spectators, with some strange Sleight of Satan. To which last I may refer, their imaginary passing thro' shut Doors, and transforming themselves and others into the Shape of Cats, Dogs, Hares and other Creatures. Some of their Actions respect themselves, and their Behaviour towards their infernal Master: Such as their coming to appointed Meetings, called their *Sabbaths*, where they pay Homage to him, and are taught

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to act all Manner of Wickedness, and give an Account of their horrid past Proceedings; the Devils having carnal Copulation in the Shape of a Man with Women, and in the Form of a Woman with Men. Witches are chiefly imployed in plain Mischief, by hurting Persons or their Goods, or by bringing some actual Evil or Calamity upon them. But they sometimes work Mischief under a Pretence or Colour of doing Good; as when they cure Diseases, loose Enchantments, and discover other Witches. All their Designs are brought about by Charms or ceremonious Rites instituted by the Devil, which are in themselves of no Efficacy, and serve only as Signals and Watchwords, to admonish Satan, as it were, when, where, and upon whom to do Mischief, or perform Cures, according to his Compact with the Witches.

5. Our Law punisheth with Death all, who either use any Manner of Witchcraft, Sorcery, or Necromancy; or who abuse the People, by pretending to have any such Craft or Knowledge (*b*). Under Necromancy, are comprehended Chiromancy, Predictions and Responses by the Sieve and the Shear; and all other hellish Arts of Divination. Witches are capitally punished as such, or for the Covenant made with Satan, tho' no Person suffer Harm by them. Such as give themselves out or profess to be Fortune-tellers, or arrogate Skill to themselves

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of

(*b*) Act 73. Par. 9. Q. M.

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of foretelling Things to come, or discovering where Things are to be found, are liable to the Punishment of Death, tho' they have really no such Skill. But dumb Persons, pretending to discover future Events, are never capitally punished here. An Agreement to serve the Devil is surely relevant to infer the Crime of Witchcraft, provided the deluded Creature knew him to be the Devil, at the making of it. Nay, even a tacite Compact, by using only the superstitious Words or Rites of Sorcerers, knowing them to be such by their Books or Discourse, doth infer it. But the using such Words or Signs, without knowing them to be such, is reckoned no Crime; if there be a plausible Ground of the User's Ignorance, and he be ready to abstain from such Practice, when informed of the Unlawfulness of it. It hath been sustained, to bring in a Woman guilty of Witchcraft, that she threatened to do some Mischief to a Person, who immediately or not long after suffered a grievous Harm in his Body or Goods by Sorcery or Witchcraft, without any apparent or natural Cause, tho' the Manner, or Inchantment used to work such Mischief, was not particularly expressed, and the Threat was only general, and did not specify the ill Turn to be done: In respect the Means used by Witches are best known to themselves. Some relevant Articles of Witchcraft are founded upon Events, having no necessary Dependence on the Means used by the Person
accused;

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accused ; as that a Man, on whom a Woman had laid a grievous Sickness, by her Sorcery, was relieved thereof, by her taking him by the Hand, and the moving of her Lips; or that a Woman came several Nights into a House, when the Doors and Windows were all fast locked and shut, combed her Head the last Night, and laid her Hand upon a Nurse's Pap, upon which a Child then sucking her died within half an Hour. Because, Injuries done by Witches are not occasioned by any inherent Virtue or Efficacy in the Means used by them, but only by the Devil's Influence; and that there is no natural Cause of the Mischief done, is the Reason of ascribing it to Witchcraft. Our Law condemns, without Distinction, both hurting and curing by diabolical Means. Those also who seek any Help, Response or Consultation from the Users of Witchcraft, Sorcery or Necromancy, or from Pretenders to Skill in these unlawful Arts, are subject to the Pain of Death (c); Witches and those who consult them being equally criminal.

6. Where one is indicted for being in League with the Devil, and exercising Acts of Witchcraft, it sufficeth to prove, that the Indictée was in Confederacy with that evil Spirit, and did such Things. But in the Trial of one indicted for bewitching any Person, two Things are to be proved, *viz.* that such a Person is bewitched, and that the Indictée is the Witch.

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7. Whe-

(c) d. Act 73. Par. 9. Q. M.

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7. Whether a Man afflicted is bewitched, may be known from Signs, Symptoms and extraordinary Circumstances, that have been observed in and about those for afflicting of whom Witches have, upon their own free and serious Confession, been formerly arraigned and condemned. Such as, 1. When learned and skilful Physicians find, the Patient's Trouble doth not proceed from any bodily Distemper, or natural Cause; and any Remedies prescribed by them are so far from affording him the least Ease, that they increase his Pain and Torture. 2. When he is exceedingly tormented at the saying of Prayers and Graces, or reading the Bible: Or in his Fits tells truly many Things past, future, and a-doing, and speaks Languages, which otherwise he could not know, and does not remember when out of the Fit. 3. When Things are done with respect to him, by some Hand invisible to the Bystanders, and real Tokens of the Fact appear immediately to them, who could not perceive how it was done.

8. The Proof that one is a Witch, is either extraordinary, or ordinary.

[1.] Extraordinary Proof is by Presumptions. Whereof some arise from lawful but uncertain Facts or Circumstances: As, 1. That the Person accused lies under a general bad Fame of being a Witch; or is Child, familiar Friend, old Companion, or Servant of a convicted Witch. 2. That he or she cannot shed Tears. Or, 3. Cannot say the LORD's Prayer. Or, 4. Hath

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4. Hath the Devil's Mark on some Part of his or her Body. But such Presumptions are slender, upon which no great Weight can be laid; tho, they are always used to strengthen and support other Evidence. Other Presumptions are drawn from the Use of unlawful Means. Such as, 1. The drawing Blood of the suspected Person; or the putting Something under a Threshold where he or she goes in, or under a Stool where the suspected Person sits; or causing him or her come into the Room where those afflicted are, and touch them; or trying if the Person accused will sink or swim, when put tied into the Water. 2. The burning Cakes made of the afflicted Person's Water; or burning Clothes in which such Person lies. 3. Spectral Evidence, *i. e.* the afflicted Persons saying they see in their Fits those that torment them, crying out of them by Name, and telling where they have been, or what they have done here or there in distant Places. 4. The causing a white healing Witch discover a black and bloody one, by shewing the latter's Face in a Glass; and so making one Devil instrumental to cast out another. But these are all barbarous and unnatural Charms, superstitious and magical Experiments, not to be used by Christians: And the trying a Crime by a Miracle, belongs not to any Judge on Earth, but is reserved for the divine Throne.

[2.] Ordinary Proof is by Confession of the Person accused, or by Witnesses.

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Many Persons have been convicted of Witchcraft, upon their own Confession. But such Confession ought, 1. To be free and voluntary, and no ways extorted. Nor should it contain any Thing impossible or improbable. 2. Care must be taken to notice, that the Confessor is not oppressed with Melancholy, or hath taken Guilt upon him or her purely from being weary of Life.

Witchcraft may be proved by Witnesses, that have heard or seen the Person accused speak such Words, or do such Things, as none but those, who have Familiarity with the Devil, ever did or can do: As invoking the Devil for Help; or entertaining a familiar Spirit, and holding Correspondence with or feeding it in any Form or Likeness; using Enchantments and Charms, conjuring to raise Storms; shewing in a Glass, or Shew-stone the Faces of absent Persons; revealing Secrets or discovering Things lost, without any ordinary Means; or doing Things above human Strength: By which Effects a secret League with the Devil comes to Light. The dying Testimonies of penitent Witches, concerning others informed against by them, are not sufficient Evidence to fix the Guilt of Witchcraft upon these others. But Proof by Witnesses of this Crime being very difficult, Women and Fellow-criminals or Witches are examined, to confirm and support Circumstances of Witchcraft charged upon others. For tho' open Acts of Witchcraft, as the using Charms
in

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in the Day-time, are to be made out by unexceptionable Witnesses: Yet the more secret Acts, as the Meetings of Witches in the Night-time to adore their infernal Master, and hatch their mischievous Projects, when other People are asleep, or when they themselves are invisible to, or covered from the Sight of others; can be no otherwise proved than by such as are privy thereto. And if the Crime of consulting Witches may not be proved by two who were consulted, it were next to impossible to prove such Consulting by any other Persons. Women are received Witnesses in this horrid and clandestine Crime: And Persons injured by Witches are also examined concerning Actions of these Witches.

9. The ordinary Doom against Witches is to be strangled or worried at a Stake till they be dead, and thereafter their Bodies to be burnt to Ashes, and all their moveable Goods and Gear to be escheat, and inbrought to our Sovereign Lord's Ule.

C H A P. IV.

Of Perjury.

1. **P**ERJURY is, the Swearing falsely in a lawful Oath, administered by one who has Authority, in any Matter relating to an Issue or Cause in question; whether

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ther it be of the Person's own Accord, or by Subornation of another:

2. To infer the Crime of Perjury, there must,

1. Be wilful and deliberate Swearing: Whereby swearing falsely thro' Surprize, Inadvertency, or Mistake of the Question; and swearing from a Belief, that the Thing is true, are excluded.
2. A false Oath, whereby no Person is or can be hurt, injured or grieved, as being wholly foreign to the Issue or Point in question, and having no Influence in the Determination of the Cause, is not reckoned Perjury in human Courts of Justice. But a false Oath, which at the giving thereof was injurious to another Person, may be punished as Perjury, tho' thereafter it prove no Way prejudicial to him: As Witnesses, who swore to the Verity of a Writ after reduced and improved as forged, may be tried for Perjury, tho' at the Time of the Trial the Writ could be of no Prejudice to any Man.
3. An Oath that is punishable as Perjury, must be taken in a judicial Proceeding, or tend to abuse the Administration of Justice, or to mislead a Judge in his proceeding, in relation to a Matter judicially before him, tho' it no Way affect the principal Judgment to be given in the Cause; As when the Defender in a Process of Removing, swears; that he cannot find Surety for the violent Profits, or the Raifer of criminal Letters that he cannot find Surety to report them, to be free of the Trouble of finding Surety, albeit a responsible

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sponsible Person had offered to be Surety for the Deponent in such a Case; he is guilty of Perjury. But a false Oath taken before Persons acting merely in a private Capacity, or having no Authority to administer such an Oath, doth not amount to Perjury in the Eye of the Law. 4. Perjury is incurred only by assertory false Oaths, where some Matter of Fact is affirmed or denied, contrary to the Knowledge of the Party; and not by the breaking or not observing a promissory Oath, *v. g.* to pay a Sum, or perform a Deed betwixt and a certain Day. 5. A Quaker b wilfully and corruptly making his solemn Declaration and Affirmation, allowed by Law in lieu of an Oath, is guilty of Perjury (a). 6. A Person to whose Oath any Thing is referred judicially, whether in a criminal or civil Cause, swearing falsely, is guilty of Perjury. 7. One is not guilty of Perjury, for declaring himself ready to swear falsely, if he do not actually forswear himself.

3. A Witness may be convicted of Perjury, in habilitating himself, or in the initial Words of his Oath, concerning his Age, being married, purged of partial Counsel, &c. by the other Witnesses. But Witnesses cannot be tried of Perjury in the Substance of their Oaths, wherein they concur, by the contrary Oaths of other Witnesses. For if that were allowed, such con-

(a) 7 & 8, W, III. Cap. 34. 1. Geo. I. Cap. 6. junct. 3. Geo. I. Cap. 6.

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contrary Depositions might be redargued by others, and these by others *in infinitum*: And so Witnesses, who have no further Interest in a Cause than to declare the Truth, might be exposed to the Trouble of endless Suits of Perjury. Parties or Witnesses may be convicted of Perjury by Writ, as by Depositions subscribed by themselves; but not by Extracts signed by the Clerk, Where Writs are used in Evidence of Perjury, these need not to be given out with the Indictment to be seen by the Indicttee; but it sufficeth to libel upon them as lying in the Clerk's Hands, and to put them there some reasonable Time before the Trial. Expressions in Oaths are to be favourably interpreted, and Words are not to be caught, to infer Perjury. Where one hath judicially upon Oath denied or contradicted a Promise formerly made by him; that Promise may be proved by Witnesses, in order to convict him of Perjury.

4. Such as bear false Witness, or induce any Person to bear false Witness, are punishable in their Persons and Goods with all Rigour conform to the common Law (*b*), or by piercing of their Tongues, and escheating of their Goods to the Sovereign's Use, and Incapacity to buik Honour, Office or Dignity, and farther Punishment in their Persons according to the Quality of their Crime (*c*), as Whipping, Branding on the Cheek, &c. The Perjury of Bigamists

(*b*) Act 80. Parl. 6. Jam. V. Act 22. Parl. 5. Q. M. (*c*) Act 47. Parl. 6. Q. M.

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mists by having two Wives or two Husbands at once, is punished with Confiscation of all their Moveables, Imprisonment for Year and Day, and longer during the Sovereign's Pleasure, Infamy and Incapacity of Office, Honour, Dignity or Benefice (*d*). Perjury of Affizers is punishable with Confiscation of Moveables, Infamy and Imprisonment for Year and Day (*e*). None of which Punishments amount to the Pain of Death. But yet Persons convicted of Perjury and Subornation of Perjury, have in some Cases been capitally punished.

C H A P. V.

Of other open Impieties, Immoralities and Profaneness.

1. **C**URSING and Swearing is punished according to the Offender's Quality: A Nobleman guilty is liable to a Fine of Twenty Pounds, a Baron pays Twenty Merks, a Gentleman, Heritor or Burges Ten Merks, a Yeoman Forty Shillings, a Servant Twenty, *toties quoties*, and a Minister loses a fifth Part of a Year's Stipend. The one Half of which Fines is to be applied to pious Uses within the Parish where the Offence was committed, and the other Half falls to be divided betwixt the Informer, Prosecutor and Con-

(*d*) Act 19. Parl. 5. Q. M. (*e*) Act 48. Parl. 6. Act 64. Parl. 8. Jam. III. junct. Reg. Majest. Lib. 1. Cap. 14.

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Constable, and other Uses at the Sight of the Justices of Peace. Those unable to pay, are to be punished in their Persons (*a*). Justices of Peace are authorized to punish or fine such Offenders, and delinquent Wives according to their Husbands Quality, whom they may cause pay for their Wives (*b*).

2. Drunkenness or haunting Taverns or Ale-houses after Ten of the Clock at Night, except in the Time of Travel or for Refreshment, is punished as Cursing and Swearing, and the Fines to be applied the same Way (*c*).

3. That due Reverence and Attention may be had in the publick Worship, those who raise a Tumult or Fray in the Church, or in the Church-yard in the Time of divine Service, forfeit all their Moveables to the King, without Prejudice to higher Punishment, if there happen any greater Offence there (*d*). And excommunicate Persons refusing, when charged by the Minister in the Name of God and the King, to remove out of the Church in the Time of divine Service, are punishable as Disturbers (*e*). But Children (under whom all within Fourteen Years of Age are comprehended) raising such a Tumult or Fray, are only to be whipped (*f*). Those denounced Fugitives for Slaughter committed within Churches or
Church-

(*a*) Act 19. Parl. 1. Sess. 1. Act 22. Parl. 2. Sess. 3. Ch. II.
 (*b*) Act 38. Parl. 1. Sess. 1. Ch. II. (*c*) Act 19 & 38. Parl. 1. Sess. 1. junct. Act 22. Parl. 2. Sess. 3. Ch. II. (*d*) Act 27. Parl. 11. Jam. VI. (*e*) *ibid.* (*f*) Act 12. Parl. 5. Q. M.

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Church-yards, during the Performance of divine Service, and their declared Refetters, forfeit to the King both their single and liferent Eſcheats (*g*).

4. Uſers of Handy-labour on the Sabbath-day, may be fined in Ten Shillings, thoſe who game, play, paſs to Taverns or Alehouſes, ſell Meat and Drink, and wilfully remain from the Church, the Time of Sermon or Prayers, in Twenty Shillings. And Offenders unwilling or unable to pay, are to be put in the Stocks or Jogs (*b*). Such as ſell, or preſent to Sale, any Goods on the Sabbath-day, loſe their Moveables, and fall in the King's Mercy (*i*). The Going of Salt-pans, Mills, or Kilns on the Lord's Day is diſcharged, under the Pain of Twenty Pounds to be paid by the Heritors and Poſſeſſors; Salmon-fiſhing, hiring Shearers, under the Pain of Ten Pounds for each Fiſher and Shearer; Half to be paid by the Hirers, and Half by the Perſons hired. Carrying of Loads, keeping Markets, and uſing Merchandize on that Day, and all other Profanation thereof is alſo prohibited under the like Pain of Ten Pounds, to be applied as the Penalties for Swearing and Drunkenneſs, and the inſolvent Offenders to be puniſhed in their Perſons (*k*).

5. There are other Acts of Immorality and Profanenefs, ſuch as Fornication, Adultery, Blaf-

(*g*) Act 118. Parl. 12. Jam. VI. (*b*) Act 70. Parl. 6. J. VI.
 (*i*) Act 198. Parl. 14. Jam. VI. (*k*) Act 18. Parl. 1. Seſſ. 1. Act
 22. Parl. 2. Seſſ. 3. Ch. II.

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Blasphemy, mocking and reproaching of Religion, &c. concerning which I have treated in the proper Places.

6. The Laws against Profaneness and Immoralities are ratified (1). And Presbyteries impowered to appoint Informers and Prosecutors in their respective Bounds (m). Which Laws all Judges, Magistrates, and Justices of Peace are enjoined to put to Execution against all Persons, whether Officers, Soldiers, or others, without Exception, at all Times without Necessity of a Dispensation, under the Pain, in case of Failzie upon Requisition, of One hundred Pounds to the Poor of the Parish, where the Scandal complained of was committed: For which they may be pursued by the Kirk Agent, Minister of the Parish, or any having Warrant from him before the Lords of Session summarily (n). If the Judge or Magistrate having ordinary Jurisdiction, reside not within the Parish where the Offence was given, he must grant a Deputation to such as shall be named by the Heritors and Kirk-session, to execute the Laws, Advocation of such Processes is discharged; and no Suspension allowed except upon Consignation, or a clear Discharge. And in case of calumnious Suspending, a third Part more is to be decerned in lieu of Expences. Fines inflicted are to be instantly paid to the Parish-collector for the Poor, or the Party must go to Prison, who,

(1) Act 25. Sess. 2. Parl. W. & M. 10 A. Cap. 7. § 7. (m) Act 40. Sess. 4. Parl. W & M. (n) Act 13. Sess. 5. Parl. K. W.

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who, if he cannot pay, must be exemplarily punished in his Person. No Pretence of different Perswasion in Matters of Religion, exempts a Delinquent from Censure and Punishment for Immoralities (o). Persons excommunicated or declared contumacious by the Church upon the account of Immoralities, are to be represented to his Majesty, as unfit to be employed or continued in any publick Trust, civil or military (p).

7. Having thus explained the particular Crimes committed more immediately against God; the proposed Method requires, that I should now proceed to Crimes whereby Man is more directly offended. Crimes committed more directly against Man, are distinguished into such as concern the sovereign Authority, Government, Peace and Welfare of the Commonwealth; and those that directly touch private Persons:

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(o) Act 31. Sess. 6. Parl. K. W. (p) Act 11. Sess. 8 & 9. Parl. K. W.