

three years after the offence committed ; and further, that no person should be convicted by a petit jury of either of the said crimes, unless by the oath of two lawful witnesses, to prove each separate and distinct fact charged in the indictment, as treason, or misprision of treason, except the prisoner should willingly and without force or violence, confess the same in open court.

In the cases that have been mentioned in 1706 and 1707, the record in the first states, that the prisoner (when brought to be tried,) had, before that time, had a copy of the indictment, and a copy of a panel of jurors delivered to him, according to the form of the statute. This was the statute 7 W. 3, Ch. 3, and in the last case the prisoner declared, that he was ready ; that he wanted no process for witnesses, &c, that he released, or rather declared, that he had a copy of the indictment and panel, and forewent any advantage for the trial before due time fixed by the statute 7 king William, for regulating trials in high treason, and on misprision of treason. That statute having been thus recognised, furnishes strong evidence if it were necessary, that the one now under consideration was in part adopted also, being essential to the safety of the inhabitants, as defining what offences only should be treason. It remains to be considered how far it is at present in force, and how far it ought to be so continued, together with the acts of February and October session, and the act of 1809, Ch. 138.

The 2d branch of treason under this statute, to wit: Violating the king's companion, &c. cannot be considered as having been adopted by the act of 1642, because it was nearly impossible that the offences therein described should be committed within the province ; and the same may be said of the 7th branch, respecting the slaying the chancellor, treasurer, or the king's justices of the one bench, or the other, &c.

At present the 1st branch: "When a man doth compass or imagine the death of our lord the king, of our lady his queen, or of their eldest son and heir," cannot literally take place ; and we have no officers of government that could be taken by substitution for those kind of personages, as the state has been, for the province. The 2d and 7th not having extended to the province, cannot be in force in the state. The 3d: "If a man do levy war against our lord the king in his realm," is nearly similar to the first part of the section recited above, from February 1777, Ch. 20, and may consistently stand with it, taking the *state* in place of the *king*. The 4th branch: "If a man be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere," is in some degree similar to the last part of the section aforesaid, of February 1777, Ch. 20 ; but the latter, appears to have been confined to *enemies* then in the service of Great-Britain, and its operation having ceased when peace was made ; it seems to be not merely expedient, but necessary that this branch of the statute should be continued and incorporated in our laws ; more especially as it is not ascertained that the provisions in the constitution respecting treason against the United States, are applicable to treason against a state ; which is recognised in the 4th article, S. 2, directing that a person charged in any state with treason, &c. who shall flee from justice, and be found in another state, shall, on demand, be delivered up, to be removed to the state having jurisdiction of the crime. A similar provision was contained in the articles of confederation.

The 5th branch: "If a man counterfeit the king's great or privy seal," although included in the act of 1642, was probably not considered afterwards in force in the province, and certainly was not practised under, and there were several acts respecting the counterfeiting the seals of the lord proprietary. By the act of 1809, Ch. 138, S. 2, the offence of counterfeiting the great seal of this state is made punishable by confinement in the penitentiary. No act had before passed as to this offence. The 6th branch as to counterfeiting the king's money, &c. does not appear, from any prosecution, to have been in force in the province, although it may have been considered so, as the act of 1707, Ch. 4, related only to the counterfeiting foreign coins, expressly excluding the "proper coin of the king."