

§. 7. Also to kill the Kings Chancellor, Treasurer, Justices of either Bench, 25 Ed. 3. P. 1.
Justices in Eyre, Justices of Assize, or Justices of Oyer and Terminer, being in his or their place doing his or their Office, is High Treason.

But because many other like Cases of Treason might happen, &c. it was (by the Stat. 25 E. 3. cap. 2.) accorded, That if any other case supposed Treason, which is not in that Statute specified, doth happen before any Justices, the Justices are not to proceed thereupon, until the cause be declared before the King and his Parliament, &c.

Also by the Stat. of 1 Mar. Parl. 1. & Sess. 1. it is ordained, That no act, deed or offence, made Treason, Petty Treason or Misprision of Treason, by any Act of Parliament or Statute, shall be taken, deemed or adjudged to be High Treason, Petty Treason or Misprision of Treason, but only such as be declared to be Treason, Petty Treason or Misprision of Treason, in or by the Statute made 25 E. &c. any Statute made before or after the said Statute of 25 E. 3. or any other declaration or matter to the contrary notwithstanding.

§. 8. Note, That the Counsellors, Procurers, Consenters, Abettors and Accessory. Aiders to any of the forenamed Treasons, be all within the compass and danger of High Treason; for in Treason all the Offenders be Principals. Scamf. 5. p. 23. 4. 5. 6. 19 H. 6. 476. P. 8. 1. & 2 P. & M. c. 10.

To conceal or keep secret any High Treason, is Misprision of Treason, 1 E. 6. fol. 130. 5 E. 6. c. 11. & 1 El. cap. 6. sc. when a man shall conceal it, and not discover it to the King, or to some of the Kings Council, or to some other Magistrate. What the ancient, &c. See *hic postea*, out of Br. lib. 3. & scribe *hic*.

Also all Receivors and Accessories (to High Treason) after the Offence, seem to be in case of Misprision, yet by some they be all Principals. Vide *postea tit. Accessorie*, cap. 18.

To set in large unlawfully, any person that is committed to Prison, Ward or Custody for Treason, is Treason by the Common Law. See 1 H. 6. fol. 5. Br. Treason, 11.

If a man that is *non compos mentis*, do any Act that done by a man of sound mind were Treason; it is Treason in him also. Rolls part 2. p. 324.

§. 9. Prison. If one that is in Prison for Felony shall break the prison, whereby a Traytor being in the same prison shall escape, this is Treason (in him that broke the prison) by the Common Law. Vide 1 H. 6. 5.

So voluntarily to suffer any person to escape, that is committed to prison, or but under arrest for Treason; this is Treason by the Common Law. Scamf. 32. P. 1. 10. 11.

If two or more do conspire to commit High Treason, and some or any one of them after do commit and execute it; this is High Treason in them all by the Common Law. Dyer 58. Co. 1. 28.

Note also that the aforesaid Statute of 25 E. 3. cap. 2. is but a declaration and explanation of the Common Law, before, for all the said Treasons in the said Statute mentioned, were Treason by the ancient Common Law of this Realm, before the making of the said Statute. Co. 8. Prj.

§. 10. Treason by Statute. Since which time of King Edm. 3. divers other Offences were made Treason as appereth by the Statutes, 22 Rich. 2. 2 H. 5. 6. 3 Hen. 5. 6. 8 H. 6. 4 H. 7. 18. 22 H. 8. 9. 26 H. 8. 13. 27 H. 8. 2. 28 H. 8. 10. & 18. 31 H. 8. 8. 31 H. 8. 25. 33 H. 8. 21. 35 Hen. 8. 1. and first Ed. 6. 12. all which were repealed again by the said Statute made 1 M. Parliament 1. or before, as is aforesaid.

Also