

‘ther this be Petty Treason, because it is not altogether *Crimen parvi gradus*. But saith he, *in criminatibus sufficit generalis malicia intentionis cum facto parvi gradus*. Regula 15. pag. 65, 66.

§. 4. The Child maliciously killeth his Father or Mother, this is Petty Treason (although the Father or Mother at the same time gave neither meat, drink nor wages to such Child:) But is is Treason in the Child, in respect of the duty of nature violated. *Vide Ba. 53.* at R. 3. 17  
Co. 7. 12. b  
Br. Treas. 6.

A Bastard killeth his Mother, this seemeth Petty Treason, for the Mother is certainly known. Crompt. 21

‘By the Law of God, he that only smiteth, or curseth his Father, or his Mother, shall die the death. Ex. 21. 15 & 17.

The Son or Daughter-in-Law, killeth his Father or Mother-in-Law, with whom they dwell and do service, and have meat and drink, it is Petty Treason, although such Child take no wages; but the Indictment shall be by the name of Servant. Dallsons  
Rep. 1.  
2 M. 1.

§. 5. A Clerk, or any Ecclesiastical person, maliciously kills his Ordinary, or Superior, to whom he oweth obedience; this is Petty Treason. 19 H. 6. 47. 25 E. 3. c. 2.  
2 Br. P.  
Treas. 7.

Note, that unto the Bishop of every Diocess, the Clerks within their Diocess do owe faith and obedience; which is called Canonical obedience. *Finch 137.*

Note further, that whatsoever Act will prove Murther between strangers, the same will make Petty Treason from the Servant to his Master, from the Wife to the Husband, from the Child to the Father or Mother, and from the Clerk to his Prelate or Ordinary, *Mutatis mutandis*.

‘Otherwise it is between these persons; where it is not wilful Murther: as if the Servant should kill his Master upon a suddain falling out, without any malice precedent or by misadventure, or *se defendendo*, these are not Petty Treason, neither shall the Indictment be *Proditorie*, &c. And so of the Wife or Child.

Breaking of Prison, whereby Prisoners that were therein for Treason do escape, this is also Petty Treason; 1 H. 6. 5. Br. 11. Stamf. 11.

A Norman being Captain of an English Ship, wherein also were certain English-men, and they robbed upon the Sea; this was adjudged Felony in the Norman, and Treason in the English-men, and they were drawn and hanged, 40 Aff. p. 25. Br. Coron. 119. & Treason 16. Pyrat.

But at this day all Felonies, Robberies, Murthers and Pyracies, done upon the High Sea, are to be tryed before the Lord Admiral in the Court of the Admiralty, and according to the Civil Law. Or they may be attainted before Commissioners, by force of the Stat. of 28 H. 8. 15. and then they shall forfeit their Lands, and their Blood shall be corrupted, Co. L. 39.

Also it hath been adjudged Petty Treason in some Books, and Felony in some other, for an Indictor (in case of Treason or Felony) to discover the Kings Council and their Fellows (*sc.* to discover to others, what person they have indicted; or if they have indicted any, then to shew to others what they have done therein, and by whose means, &c.) But now that offence is taken only to be finable to the King. Stamf. 1.  
36.  
Fil. Cor.  
207, 272.  
Br. Cor.  
113.

§. 6. The punishment of Petty Treason is this; The Man so offending shall be drawn and hanged; the Woman shall be burned alive, in case as well for Petty Treason, as of High Treason, 1 R. 3. 4. But in cases of Felonies, the Judgment both of Man and Woman is to be hanged. 1 R. 3. 4.  
Br. Treas. 2

Also no person or persons (be they Lay or within Holy Orders, &c.) which shall be attainted, or found guilty of any manner of Petty Treason, nor