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O F T H E

First B O O K

O F T H E

Pleas of the C R O W N.

ALL Persons whatsoever are liable to be punish'd as Criminal Offenders, unless they can excuse themselves, either,

1. In respect of their Want of Reason: Or,
2. In respect of their Subjection to the Power of others. ch. 1.

Offences, considered in relation to the Persons against whom they are committed, are either,

1. Such as are more immediately against God: Or,
2. Such as are more immediately against Man.

Offences more immediately against God are either by Common Law or by Statute.

Those at Common Law are either capital or not capital.

The capital are of three Kinds.

1. Heresy, ch. 2.
2. Witchcraft, ch. 3.
3. Sodomy, ch. 4.

Those not capital are either by Common Law or Statute.

Those by Common Law are of five kinds.

1. Blasphemies against God, ch. 5. sect. 1.
2. Scoffing at the Scriptures, ch. 5. sect. 2.
3. Impostures in Religion, ch. 5. sect. 3.

4. Open Lewdness grossly scandalous, ch. 5. sect. 4.

5. Seditious Words against the established Religion, ch. 5. sect. 6.

Those by Statute are two-fold.

1. Such as are against Religion in general.
2. Such as are against the established Church.

Those against Religion in general are of four kinds.

1. Profanations of the Lord's Day, ch. 6. sect. 1, 2, 3.
2. Profane Swearing and Cursing, ch. 6. sect. 4.
3. Drunkenness, ch. 6. sect. 5.
4. Reviling the Lord's Supper, ch. 6. sect. 6.

Those against the established Church are three-fold.

1. Such as concern all Persons in general.
2. Such as more immediately relate to those of the Popish Religion.
3. Such as more immediately regard Protestant Dissenters, ch. 16.

Those, which concern all Persons in general, are either,

1. Against the Common Prayer; ch. 7. Or,
2. In accepting or holding an Office without due Conformity to the Church, ch. 8. Or,

3. In

A N A L Y S I S.

3. In Teaching School without conforming to the Church, ch. 9. Or,
4. In not coming to Church, ch. 10, 11.

Those relating more immediately to Persons of the Popish Religion, are of four kinds,

1. Popish Recusancy, ch. 12.
2. The Offence of saying or hearing of Mass, or other Popish Service, ch. 13.
3. The Offence of not making a Declaration against Popery, ch. 14.
4. The Offence of promoting or encouraging the Popish Religion; either,
 1. In giving or receiving Popish Education, ch. 15. sect. 1, 2, 3. Or,
 2. In professing the Popish Religion, ch. 15. from sect. 4. to sect. 15. Or,
 3. In buying or selling Popish Books, ch. 15. sect. 15.

Offences more immediately against Man are either more immediately against the King, or more immediately against the Subject.

Those more immediately against the King are either capital or not capital.

- The capital are either,
1. High Treason: Or,
 2. Felonies.
- High Treason is either,
1. Such as is within 25 E. 3. and other Statutes grounded upon it, and explaining it: Or,
 2. Such as depends upon subsequent Statutes.

Of Treason within 25 Ed. 3. there are four Species.

1. That which immediately concerns the King, his Wife or Children, ch. 17. sect. 3, 4, &c.
2. That which concerns his Office in the Administration of Justice, ch. 17. sect. 46.
3. That which concerns his Seal, ch. 17. sect. 48.
4. That which concerns his Coin, ch. 17. sect. 54.

Of High Treason depending on subsequent Statutes, there are three Species.

1. Offences in upholding or favouring the Power of the Pope.
2. Offences against the Protestant Succession, ch. 17. sect. 85.
3. Offences in listing Men without the King's Licence, ch. 17. sect. 86.

Of Offences in upholding or favour-

ing the Power of the Pope, there are five Species.

1. Extolling the Pope's Power, ch. 17. sect. 72.
2. Putting in Ure Popish Bulls, ch. 17. sect. 75.
3. Perverting others, or being perverted to Popery, ch. 17. sect. 76.
4. Receiving Popish Orders or Education in Popish Seminaries, and not submitting, &c. ch. 17. sect. 79.
5. Refusing a second Tender of the Oaths, ch. 17. sect. 84.

Felonies more immediately against the King are of five kinds.

1. Offences relating to the Coin or Bullion.
2. Offences against the King's Council, ch. 18. sect. 8.
3. The Offence of passing beyond Sea, to serve a Foreign Prince, ch. 18. sect. 10.
4. The Offence of imbezilling the King's Armour, ch. 18. sect. 12.
5. The Offence of relieving a Popish Priest, ch. 18. sect. 14.

Of Felony relating to the Coin or Bullion, there are three Species.

1. The Offence of debasing it, ch. 18. sect. 1.
2. The Offence of unlawfully diminishing it, ch. 18. sect. 2.
3. The Offence of endeavouring by extraordinary Means to encrease it, ch. 18. sect. 7.

Of Offences more immediately against the King, not capital, there are two kinds.

1. *Præmunire*.
2. Misprision.

Offences coming under the Notion of *Præmunire*, are either,

1. Against the Prerogative of the Crown: Or,
2. Against the Authority of the King and Parliament, ch. 19. sect. 44.

Of Offences of this kind against the Prerogative of the Crown, there are nine Species.

1. Making use of Papal Bulls, ch. 19. sect. 12.
2. Derogating from the King's Common Law-Courts, ch. 19. sect. 14.
3. Appealing to *Rome* from any of the King's Courts, ch. 19. sect. 20.
2. Exercising the Jurisdiction of a Suffragan, without the Appointment of the Bishop of the Diocese, ch. 19. sect. 21. 5 Re-

A N A L Y S I S.

5. Refusing to elect or consecrate the Person nominated by the King to a Bishoprick, ch. 19. sect. 22.
6. Maintaining the Pope's Power, ch. 19. sect. 23.
7. Bringing in *Agnus Dei*, ch. 19. sect. 24.
8. Contributing to the Maintenance of a Popish Seminary, ch. 19. sect. 26.
9. Refusing the Oaths, ch. 19. sect. 27.

Misprisions more immediately against the King are either Negative or Positive.

The Negative is commonly called Misprision of Treason, ch. 20.

Positive Misprisions of this kind either amount to Misprision of Treason, or do not.

Of such Misprisions, amounting to Misprisions of Treason, there is only one Species; forging foreign Coin not currant here, ch. 20. sect. 7.

Of such Misprisions not amounting to Misprision of Treason, there are four kinds.

1. Contempts against the King's Palace or Courts of Justice, ch. 21.
2. Contempts against his Prerogative, ch. 22.
3. Contempts against his Person or Government, ch. 23.
4. Contempts against his Title, ch. 24.

Of Contempts against the King's Prerogative, there are three Species.

1. Refusing to assist him for the Good of the Publick, ch. 22. sect. 2.
2. Preferring the Interests of a Foreign Prince to that of our own, ch. 22. sect. 3.
3. Disobeying the King's lawful Commands or Prohibition, ch. 22. sect. 4.

Of Contempts against the King's Person or Government, there are six kinds.

1. Charging the Government with Oppression or weak Administration, ch. 23. sect. 2.
2. Doing an Act which impliedly encourages Rebellion, ch. 23. sect. 4.
3. Endeavouring to frighten the King into a Change of his Measures, ch. 23. sect. 4.
4. Spreading false Rumours concerning the King's Intentions, ch. 23. sect. 5.

5. Charging him with a Breach of his Coronation-Oath, ch. 23. sect. 6.

6. Speaking contemptuously of him, ch. 23. sect. 7.

Of Contempts against the King's Title, there are two kinds.

1. Denying his Title, ch. 24. sect. 1.
2. Refusing to take the Oaths required by Law for the Support of his Government.

Of Offences in refusing to take such Oaths, there are two kinds.

1. The Offence of refusing the Oath required by Common Law, ch. 24. sect. 3.
2. The Offence of refusing the Oaths required by Statute.

Of Offences in refusing the Oaths required by Statute, there are two kinds.

1. The Offence of refusing the Oaths of Allegiance and Supremacy, ch. 24. sect. 5.
2. The Offence of refusing the Oath of Abjuration, ch. 24. sect. 6.

Offences more immediately against the Subject are either capital or not capital.

The capital are either by the Common Law or by Statute.

Those by the Common Law are committed either,

1. Against the Life of a Man; or,
2. Against his Goods; or,
3. Against his Habitation; or,
4. Against publick Justice.

Those against the Life of a Man are either,

1. Casual, not being occasion'd by the Default or Procurement of any Man, ch. 26. Or,
2. Such as come under the Notion of Homicide, being occasioned by a Man, ch. 26. sect. 2.

Of Homicides there are two kinds.

1. Such as is committed against a Man's own Life, ch. 27.
2. Such as is committed against the Life of another.

Of Homicide against the Life of another, there are two kinds.

1. Such as amounts not to Felony.
2. Such as amounts to Felony.

Of such Homicide not amounting to Felony there are two kinds.

1. Justifiable.
2. Excusable.

Justifiable Homicide is either of a publick or a private Nature.

That of a publick Nature is of two kinds.

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ANALYSIS.

1. Such as happens in the due Execution, ch. 28. sect. 4. and
 2. Such as happens in the due Advancement, of publick Justice.
- Of the latter there are two kinds.
1. Such as happens in Criminal ch. 28. sect. 11. And
 2. Such as happens in Civil Causes, ch. 28. sect. 17.
- Of justifiable Homicide of a private Nature, there are two kinds.
1. Such as happens in killing a Wrong-Doer, ch. 28. sect. 21.
 2. Such as happens in killing an innocent Person, ch. 28. sect. 26.
- Of excusable Homicide there are two kinds.
1. Homicide *per infortunium*, ch. 29. sect. 1.
 2. Homicide *Se defendendo*, ch. 29. sect. 13.
- Homicide against the Life of another, amounting to Felony, is either with or without Malice.
- That which is without Malice is called Manlaughter or Chancemedley, ch. 30.
- Of such Homicide with Malice there are two kinds.
1. Murder, ch. 31.
 2. Petit Treason, ch. 32.
- Of Murder there are two kinds.
1. Such as is done with express Malice.
 2. Such as is done with implied Malice.
- Of Murder done with express Malice, there are three kinds.
1. Such as happens in Duelling, ch. 31. sect. 21.
 2. Such as happens in killing another without any Provocation; or but upon a slight one, ch. 31. sect. 32.
 3. Such as happens in killing one whom the Person killing intended to hurt in a less Degree, ch. 31. sect. 38.
- Murder done with implied Malice, generally happens in the following Instances.
1. Where the principal Intention is to commit another Felony, ch. 31. sect. 41.
 2. Where the principal Design is to commit a bare Breach of the Peace, nor intended against the Person of him who happens to be slain, ch. 31. sect. 46.

3. Where the chief Motive is to assist a third Person, ch. 31. sect. 49.
 4. Where the direct Design is to escape from an Arrest, ch. 31. sect. 55.
 5. Where the principal Purpose is to usurp an illegal Authority, ch. 31. sect. 59.
 6. Where no Mischief is intended at all, ch. 31. sect. 61.
- Of Petit Treason there are three kinds, ch. 32.
1. Where a Servant kills his Master.
 2. Where a Wife kills her Husband.
 3. Where an Ecclesiastical Person kills his Prelate.
- Of capital Offences at Common Law against the Goods of another, there are two kinds.
1. Simple Larceny.
 2. Mix'd Larceny.
- Of simple Larceny there are also two kinds.
1. Grand Larceny, ch. 32. sect. 1.
 2. Petit Larceny, ch. 32. sect. 31.
- Mix'd Larceny is either from the Person of a Man, or from his House, ch. 36.
- Of mix'd Larceny from the Person there are two kinds.
1. Robbery, ch. 34.
 2. Larceny from the Person, ch. 35.
- Also there is another Offence of this Nature call'd Piracy, ch. 37.
- Capital Offences at Common Law against the Habitation of a Man are of two kinds.
1. Burglary, ch. 38.
 2. Arson, ch. 39.
- Offences more immediately against the Subject, made capital by Statute, are such as are committed.
1. Against Women, (and of these there are two kinds.
 1. Rape.
 2. Forcible Marriage.)
 2. Against the Rights of Marriage, ch. 43.
 3. Against the Members of a Man's Body, ch. 44.
 4. Against Records, ch. 45.
 5. Against Cattle, ch. 46.
 6. By Purveyors, ch. 47.
 7. By Soldiers and Mariners, ch. 48.
 8. By Hunters, ch. 49.

ANALYSIS.

9. By Forgers of false Deeds, ch. 50.
10. By Gaolers, ch. 51.
11. By Transporters of Sheep or Wool, ch. 52.
12. By Servants, ch. 53.
13. By *Egyptians*, ch. 54.
14. By Cutters of Pow-dike, ch. 55.
15. By Trespassers on the Borders, and Rioters, ch. 56.
16. By Bankrupts, ch. 57.
17. By Counterfeiters of Bank-Notes, Exchequer-Bills, Stamps, South-Sea Bonds, Lottery-Orders, &c. ch. 58.

Offences more immediately against the Subject not capital, are of two kinds.

1. Misprision of Felony, ch. 59.
2. Other inferiour Offences.

Such inferiour Offences are of two kinds.

1. Such as amount to an actual Disturbance of the Peace.
2. Such as do not amount to such a Disturbance.

For the Prevention of the former of these Kinds of Offences, the Law has provided two Remedies.

1. By Surety for keeping the Peace, ch. 60.
2. By Surety for the good Behaviour, ch. 61.

Of the abovementioned Offences amounting to the actual Disturbance of the Peace, there are two kinds.

1. Such as may be committed by one or two Persons.
2. Such as require a greater Number.

Of those which may be committed by one or two Persons there are four kinds.

1. Assaults, ch. 62. sect. 1.
2. Batteries, 62. sect. 2.
3. Affrays, ch. 63.
4. Forcible Entries and Detainers, ch. 64.

Of those, which require a greater Number of Persons, there are three kinds.

1. Riots, ch. 65. sect. 1.
2. Routs, ch. 65. sect. 8.
3. Unlawful Assemblies, ch. 65. sect. 9.

Of such inferiour Offences not amounting to an actual Disturbance of the Peace, there are two kinds.

1. Such as are committed by Officers.
2. Such as are committed by common Persons without any relation to an Office.

Of Offences of this Nature committed by Officers, there are three Species.

1. Neglect or Breach of Duty, ch. 66.
2. Bribery, ch. 67.
3. Extortion, ch. 68.

Of Offences of this Nature, committed by private Persons, without any relation to any Office, there are two kinds.

1. Such as are infamous and grossly scandalous, proceeding from Principles of down-right Dishonesty, Malice or Faction.
2. Such as are of an inferiour Nature, and neither infamous nor grossly scandalous.

Of Offences of the first sort, there are six Species.

1. Perjury, ch. 69.
2. Forgery, ch. 70.
3. Cheats, ch. 71.
4. Conspiracy, ch. 72.
5. Libels, ch. 73.
6. Keeping of a Bawdy-house, ch. 74.

Of Offences of the latter sort there are two kinds.

1. Such as more immediately affect the Publick.
2. Such as more immediately affect the Interests of particular Persons.

Of those which more immediately affect the Publick, there are four kinds.

1. Common Nufances, ch. 75.
2. Monopolies, ch. 79.
3. Forestaling, Ingrossing, and Regrating, ch. 80.
4. Barratry, ch. 81.

The most remarkable kinds of common Nufances are,

1. Such as relate to Highways.
2. Such as relate to Publick Houses, ch. 78.

Those which relate to Highways come under a two-fold Consideration.

1. As they relate to Highways in general, ch. 76.
2. As they relate to Bridges in particular, ch. 77.

Of

ANALYSIS.

Of the Offences above-mentioned more immediately affecting the Interests of particular Persons, there are three kinds,

1. *Ufury*, ch. 82.
 2. Maintenance.
 3. Buying or selling a pretended Title, ch. 86.
- Maintenance is two-fold.

1. *Ruralis*, ch. 63, sect. 2.

2. *Curialis*, ch. 83, sect. 3.

Of Maintenance *Curialis* there are three Species.

1. General Maintenance, ch. 83, sect. 4.

2. Champerry, ch. 84.

3. Embracery, ch. 85.