

be Just cause for Murder treason or Rape not specified in
in 13 R. 2 St. 2 cap. 1. 16 R. 2 cap. 6. Not as if the Parliaments
Designed to nullify the personning of Murder when it
profes in the Charter; but they declared that party of
such a Crime shoud not be allowed their life if it was so
done, from a just apprehension that the sovereign should
Never pardon Murder Exprely. And my Lord Coke (1
Inst. 238) says, he never saw any such Charter of a
Pardon granted by any King of England. Wilful Murde
being a sin which the Lord would not pardon in a
2 King. 24. 3. 4. at Princie shoud not pardon it in a li-
-ject. But yet Remissions in Scotland are ordinarily paid
3 sustained both for Murder and for Burning of Towns
com. 1608 Earl of Bothwell Sinclair of May & Birn be
of Kempis and others. Melons & Crim. parl. 1. Tit. 11.
parl. cap. 2 & 3. And for George Melviss (Crim. par-
2 Inst. 28 & 3) Relates, that a Very Learned Lawyer was
imprisoned to the Castle of Edinburgh, for Dis-
-pelling the Kings power to Commit wilfull fire wraing. As
caused a Constatute and personal Limitation of a Sovereign
cannot affect such crime as Exprely he himselfe and he
left his Succesours, in the free Exercise of the unique ex-
-able prerogative of the Crown. It was formerly thought
that by the Law of Eng Land the King might Dispense w
the Statutes abridging the Royal prerogative in the
free Granting of Pardons by a Non-plantation in the sta-
-tion of Pardon, holding Regs. 24. 25. Hawkins pl. Cr. 1
cap. 37. § 17. But now a Disposition by Non-plantation of
to any Statute not allowed in such Statute is Void and
of No Effect; W. B. M. cap. 2 512. However Par-
sons of Murder or felonies killing without a Non
-Statute or Disposing plainly hath been allowed, and
power of pardoning all offences understood to be an
inseparable Incident to the Crown and its Royal pre-
rogative and to be as much for the good of the people
as the power of punishing. Now, over the Statute
13 R. 2 St. 2 cap. 1; by shewing in what form the
Statute

shall make a pardon of Murder plainly allows that he
has a power to make it stand in ibid. 514. But no pardon
under the Great Seal is readable to any person by the
House of Commons 12 H. 3 Cap. 2 53 infra.

A pardon of treason or felony even after Conviction
or Attainder doth not clear the party from the Infamy and
all other Consequencies of his Crime that he may not only
have an action for a scandal in being him traitor or
felon, after the time of the pardon, but may also be a good
Witness not with standing the Attainder or Conviction; he
canst the Person Made him as it were a New Man; and
gives him a New Capacity and Credit Hawkins ibid. 548.
But it is not so clear, whether the pardon of a conviction
of perjury, makes the party a good witness Hawkins
ibid. 552. cap. 46 § 22 qd.

Pardon to a forfeited person both not restore him to his
Estate; because His Majesty can bestow only by way of
grace Act 135 Parl. 8. S. 6 and not per Modum fustitiae, and
it is a settled Rule in the Law of England that no pardon by
the King with out Express word of Restitution shall be
vest either from the King or Subject in Interest either
in lands or Goods 91. 1. 1. in them by an Attainder or
Conviction precedent; the a person prior to a Conviction
will prewreth any forfeiture or ciller of Goods or land
Hawkins ibid. cap. 37. § 54. The King person cannot fature
the Corruption of Blood, by Attainder of treason or felony,
which can only be done by Authority of Parliament, Coke;
Inst. 8. 1. 391. 6. 3 Inst. 233. 240. 241. Hawkins ibid. 554. has
written in vol. 1. p. 554
Whether any offence can be pardoned before it is committed
D. Hawkins ibid. 52 88 seqq.