space of an hour with a paper on his forehead containing those words in great letters, Mon sworn perjured and infamous, and banished 10 July 1605. Mr William Galbraith A subornor of others to bear witness was whipt, burnt on the cheek and banished 8 March 1615. James Boyd Ones agreeing with another for a sum of Money Lecon or promised to procure that other two Legal Depositions or affidavits of his Wife which practicks was found Relevant to infer an Arbitrary Punishment 28 March 1721. James Campbell of Burnbank. It was sustained Relevant to infer an Arbitrary punishment, that an officer of the Customs induced or intised any person to swear to sign a set form of words prepared and offered in writ or to swear to or give a signed Declaration concerning Particular points of fact importing a crime or fault against another, or without inquiring whether the person doall with knew the truth of the Matter of fact to which he was to subscribe or swear; or that he intised and induced any person to swear or sign any Matter of fact by offering Money or other Reward, or by threatening without Necessity to produce the Declarations for Making out the Crime Libelled which consisted in the Charge of subborning witnesses to produce ~~[illegible]~~ persons: because the swearing to or signing such Declarations, is the Deed of a third party, and if done falsely becomes a Different Crime 8 July 1710 Charles Hay-Dr Yet persons convicted of perjury and subornation of perjury have in some cases been capitally punished. Thus false witness 15 March 1605 Alexander Houstland 8 March 1615 Robert Dunlop, George Wal & Adam Blackloch 22 June 1622 Robert Kor and James Young. And subornors of others to bear false witness 15 March 1605 Alexander Cheyne 8 March 1615 Robert Graham of Longbottom 22 June 1622 Andrew Gurnbull in Bathgate Suffered the punishment of death.

If a witness swear falsely in one point, his whole oath is reputed false, whether the Articles of it be Coherent or not, the oath being indivisible Fulton Fontenay tit. 5 § fin. Lit. 53 n. 8. Prostyp. Farinacius tit. 67

Quest. 67 n. 111 & Legg. Provided the false hood be in a substantial point, or what is Material to the issue. For a witness swearing falsely only in some extrinsick circumstance put to him to try his honesty, is not equally punishable as one who swears in substantials Gil. Clar. ibid. n. 9 § fal. Sum. Vi 9 Prosp. Farinac. ibid. n. 179 Mackenzie Crim. part 1 Tit. 27 § 8. A witness swearing to a false hood by mistake to be true is not Checkoned by the Doctors to be guilty of false hood Addit. ad Clar. § fin. Quest. 53 n. 16. And forgetfulness and frailty of a witness Memory if Invincible or strongly Qualified (but not otherways) excuseth him from the ordinary punishment of false hood.

Perjury is usually Excepted out of General Acts of grace

Chap. 7

Of other open Impieties in morality and Profaneness.

Cursing and swearing is punished according to the offenders Quality: a Noble man guilty is liable to a fine of twenty pounds, a Baron pays twenty Merks, a Gentleman or burgess ten, the Sons, a Yeoman forty shillings, a Servant twenty to his quotes, and a Minister loses a fift part of a Year's stipend. The one half of which fines is to be applyed to pious uses within the parish Where the offence was committed, and the other half to the Informer prosecutor and Constables to be Divided betwixt the Informer prosecutor and Constables and other uses at the sight of the Justices of peace. Those Unable to pay are to be punished in their persons Act 19 Parl. 1 Jas. 1 Act 22 Jas. 3 Ra. C. 2 Ch. 2. Justices of peace are authorized to punish or fine such offenders, and Delinquent Wives according to their Husbands quality whom they cause pay for their Wives Act 38 Parl. 1 Jas. 1 Ch. 2. Profane Cursing and swearing is punished also in England 21 Jac. 1 cap. 10. 6. 87 Wil. 3 cap. 11. 13 Car. 2 cap. 9 Art. 2.

By our law no man ought dwell to be found in Tavern or ale house within Burgh at Night after Ringing of the Curfew Bell, under the pain of Imprisonment

Act