after they were Declared traitors. But William Cunningham of Gourland was Relaxed and Forfeited 15 Decemb. 1701 for assisting his Brother Alexander to keep out the house of Cunninghame head against the Kings Commissioners after the said Alexander had been Charged under the pain of treason to Surrender the same. Conversing with Rebelling and future communing with a brother a forfeited traitor, was found Relevant to infer the pain of treason 29 November 1684 John Portsfield of Duchal. Some Lawyers Conceive that fear left their land be plundered do the Excuse the Fining or Complying with a traitor, Prof. Farm. Ord. Lu. 117 n. 7. Adot. ad Clar. 5 Leg. Majest. Ed. mon n. 9 but this Defence was Expressly Rejected by the Parliament in the Marquiss of Argiles case anno 1661. However it was found Relevant to Exculpate one from the guilt of treason by Riding some time with Notour Rebels, that he was not a free Agent in the Matter, in was forced to go along with them, and staid no longer with them then he could Recover his liberty 3 March 1684 James Howison. No person is liable for the Rebel or Corresponding with traitors and Rebels, Unless it be proven that he knew the person Rebel or Correspondent with Act 33 Jac. 4 Parl. W. & M. All Subjects are to do exact Allegiance to Church and Approve and Traitors and Rebels to their Oaths to the Peace and to Intimate they be out of the shire where they live, and to Intimate to the Next Magistrate to whose bounds they have fled them, under the pain and to traitors and Rebels Act 14 Parl. 12 J. 6. Because every one stand obliged to do his Endeavour to keep the country Quiet. Those who Enjoy the protection of the law should persecute such as oppose it. And this duty to the King in taking such as are Rebels to him, is Implied in the very Nature of our Allegiance. It is not only treason to harbour and Conceal Rebels, but also such as Refuse when Required to assist the King against Notour Rebels against his person are punishable as Favourers of them Act 4 Parl. 1. J. 1 that is to say as art and part of their Crime, Arg. Act 29 Parl. 3 J. 4. Those are Notour Rebels who are Denounced

Denounced, or against whom Commissions of fire and sword are granted, or who are up in open Rebellion. McKenzie observes on Act 4 Parl. 1. J. 1. against the staying from the Kings Host after open proclamation commanding all Lieges to go thither, is punishable as treason. McKenzie observe. ibid. But the Absents may be bailed ibid. the treason is not of its own Nature Bailable. Defenders of his Majesties Host are also guilty of treason McKenzie Crim. part 1 tit. 6 § 14.

4 Those who keep out their houses upon a public Account against the King are guilty of High treason Act 2 Parl. 6 J. 2. Whether they do so immediately against his Majesty 5 January 1615 Robert Stuart or hound others out to Carry on their Conspiracy upon such Account 1 Feb. 1615 Patric L. E. Kingy. Hounding out being art and part in a proper sense. Lord Lovat those also traitors who keep out their houses for private causes or Quarrels, Refuse to surrender upon a Charge given by Heralds under the pain of treason by Virtue of Letters from the privy Council. And if the party who Disobeyed do afterward yield, he is only punishable Arbitrarily, and not as a traitor McKenzie Crim. part 1 Tit. 6 § 7

The Garrisoning of a house to defend it against the Sheriff who was Coming to execute in the Kings Name before publication of Letters of fire and sword was not sustained to infer treason, but only to subject to the pain of Defor contumacy for Refusing to Obey the Sheriff. Nor was the raising of Men and disposing them in companies under Colonels in the Highlands whose people Usually go in Arms for Lay approaching of thefts and Robberies, found the Crime to infer the guilt of treason, without saying there were 100 Men at least under Colonel or Major Hood, or under Weekly or daily pay after publication of Letters of fire and sword 28 & 16 Feb. 1674 M'Leod of Assint. Sir George McKenzie Crim. part 1 Tit. 6 § 7 observ. on act 2 Parl. 1 J. 1 Forms offended at this Declaration. Because it is treason to Garrison houses against the Kings Soldiers. And a Soldier may oppose his Majesty as much as any Soldier does. You if such a thing were allowed, any Man might defeat the Execution of Law, by Garrisoning his house upon Hamptrotts. And about the Defending houses against