

that there was an Act Banishing offenders and Making it
 Criminal to entertain them, without Naming the offenders
 that it might be known who were Banished and might not be
 put in doubt; which is no less absurd and incongruous than to
 pronounce a General Banishment against all adulterers
 or Murderers &c. Therefore the Act of Parliament is not to
 be understood of all persons who should happen to be
 to go under the Name of Egyptians, but only of a set of Men
 then Existing, Viz. those Egyptians formerly banished by the
 Privy Council being known to be such, little regard to be
 put upon other Considerations, they Enjoy their Lives libe-
 rly and proportioned by the same laws whereby those of other
 Subjects are secured; and the Presumptions of Innocence is for
 them till they are tried and Convicted, the published laws not
 being made for one person more than another, nor the
 Rules of Justice Discretionary. The Act 21 Parl. 1697 which
 Relieved all former laws in Relation to this Matter, doth
 not in the Special Enumeration of these laws mention the
 Act, which is an Argument that it was not then standing
 law. It was Repealed for the purpose. The Act of Parliament
 1699 is not compulsory, and contains more than a Bare Repe-
 cation of the Privy Councils Statutes, for it appoints all
 Vagabonds, known called and reputed to be Egyptians
 found in Scotland after the time prefixed, to be executed to
 the death; and consequently was calculated not only against
 Egyptians then in being, but also against that Exorable
 part of Mankind, and all who at any time should follow
 their Manner. It was necessary to make a proviso a law
 against those people because they were divided, divided being
 found Remov'd. The omitting the Act of Parliament
 1699 out of the Act 1698 doth not Impair that the
 former was Expired: because it was not abrogated in
 the latter, to Repeal a law against Egyptians which
 had been lately in observance; but to revive the Act
 concerning the poor, at the Publick board, and to
 free the Country of Vagabonds and idle Beggars,
 the last being the parast being called known to
 and reputed to be Egyptians, relevant to the
 pain of death, but allowed them to produce what

Legal Evidence they could to prove they were reputed to be
 honest persons and of good Character: that the aforesaid
 be the better able to determine whether the said Annals were
 really called known habits and reputed to be Egyptians
 7 August 1714 William Bailie and others, Particulars Act
 of forming and being called and reputed a being under
 the denomination of Egyptians, was jointly sustained to be
 want to infer the pain of death. Albeit it was pleaded for
 the Annals, that the law (act 13 Parl. 20 f. 6) Required to
 make the Crime Capital, not only habits and reputed Egyp-
 tians, which amounts to no more than Mala famulial
 may be ground left, but the being called known habits and
 reputed such. And these appear no reason why it should
 be capital to be called and reputed Egyptians, more than to
 be called and reputed a thief, a Murderer &c. In Repeal
 habits and reputed Vagabonds, may not the being known
 Egyptians, which can arise from no other cause than the
 being called and reputed such, as appears by 13 William
 and John Bailie's. For proving that persons are in our
 called and reputed Egyptians, our law looks to the Com-
 mon topics of Notoriety, rather it sufficiency that they
 call themselves Egyptians, or be called up and down
 the Country with the Badward speech, being fortunes
 and speaking English, peculiar to that Countrey
 kind of Reputed Manners to observe on act 13 Parl. 20 f. 6.
 and such persons are ordinarily put upon their Jury, as know
 their Character and Reputation in the Courts.

In England there are several laws for the training
 and punishing Rogues, Vagabonds, Sturdy Beggars, and Vagrants,
 which are reduced with some Alteration into one Act of Par-
 liament, finding them whether they ought to be sent 12 R.
 2 cap. 23.

Chap. 8.

The carrying of lawfull arms.

By the Civil law, it is not lawfull to carry arms in
 Company, unless in an. Civil Anthonium. Unless in
 a Journey, or for self Defence and preservation. See de Fel-
 deli. publica. Fel. publico lib. 5. de Fel. de Fel. 82 n. 26. And
 by the Custom of Nations Unlawfull Arms are Confis-
 cated.