

to grant aloud to pay a certain sum out of the profits of the
office *Hawthord pl. br. lib. 1. chap. 67. sect. 5.*

Tit. 2.

Of Crimes Committed in the Discharge of Offices
Those are Bribery, Partiality, Negligence, or Abuse of
Trust, and Extortion.

Sec. 1.

Bribery is a Corrupt ^{and partial} Sale of ones Duty in his Office
by taking any Thing or Reward upon that Account, or promise
of such Reward. *Southw. Nov. 1700. C. de Jure. Fiduciary.*
Male Justice it comes from the French Bribe, a piece
or lump of bread: because Corrupt Ministers or Judges
sell up the people as they sell Bread *Plal. 14. 9. 9. 1700.*
Called in the Civil law *Crimen Receptationis* i. e. *receptio*
animi; a Receipt, because the Retention of Money so given
is Donatative. And it is termed by the Doctors of that Law
Perjuratio, because a person guilty thereof *Perjuratus*
Justice for Money, *Plal. 14. 9. 1700. Ver. se Divers. Pl.*
qu. iii. n. 1. By the Civil law, he is understood to be guilty
of this Crime whose wife or servant Received a promise
L. C. *De Pl. Receptio.* It being fit, that he should be
sworn for the Safety of his family and Bribery to pay
an innocent man to death is punishable with
death by *Stat. For. 14. 1700. Plal. 14. 9. 1700.*
withment in Civil causes *L. 26. 510. C. de Jure. Fiduciary.*
Confidation of goods *L. 20. Pro Receptio.* By the Law of
Scotland, if any Lord of Session Directly or Indirectly
by himself or his wife or servant take a Bribe
goods or year from any party in a Cause *1700.*

before him he is punishable by Imprisonment, Excommunication, and
Confiscation of Moveables *Act 93. Parl. 1671. C. 6.* This the Cri-
minal Law is not to be extended, and Lord of Session
may by such offence do more harm than inferior Judges,
attorneys Arbiters and assessors to Judges offending in
that Manner, are liable to the same punishment
Lennox Crim. part 1. Tit. 25. 52. infra. Because according
to the Civil Law and the Laws of other Nations, in Re-
spects of Judges are punishable for Bribery, and it
was held in the Court of Session that he took Money in a Cause *1700.*
an inferior Judge, that he took Money in a Cause *1700.*
for him, August 1682.

Not only is the taking a bribe thus punishable,
but even the accepting of goods or year from any litigant
d. Act 93. Parl. 1671. C. 6. about the taking of goods or year
from receiving Complements from their friends who have
Cause depending before them: Our Law grows being
affected that the Judge taking Judge to take upon the Ac-
count of their friends Liberality, might be abused as a
pretext for Bribery.

An inferior Judge was found guilty of Bribery for
taking Money in a Cause before him, which was Under
stood to be given for doing Justice therein; that he did
not promise to do Justice, or make any Capitation
with the Giver, and he being also a procurator
before another Court, might have got so much Money
upon that score *1700. August 1687. William Forbes.* Some
Lawyers are of Opinion, that a Judge or Magistrate is
not punishable for taking Money to do Justice in
a Civil Cause, but liable only to restore what he got.
Monach. 1700. Arbitr. Justice. Quaest. lib. 2. cap. 3437. 3. 9.
But this is Expressly Contrary to Law, which declares
the giving of Money for pronouncing a just Sentence to