Ireland, and allowing them to be Entred as Scottish goo
at the Flapleport of Campveere: Nol withstanding the
former Conservatorel had been guilty of the like practice
and that the Royal Buttons upon a Complaint of a factor
Covering Flapple goods belonging to Strangers, as Scottis
goods, did not Carefully Discharge the Conservator from
taking his Oath for such goods 16 January 1708 fir
ander Liming contra Kennedy.

Sect. 3.

Of Extortion in the Discharge of Offices

It having been found by Experience that Generally
it is vain to Expect that Officers who depend upon a
known fixed Salary, without having any Immediate
benefit from any particular Instances of their Indu
should be so Ready in Undertaking or Diligent in Execut
them as they would be if they were to have a present ad
vantage from them, it hath been thought Expedient to
and them to take certain Fees in Many cases. But those O
ficers are guilty of Extortion if they take any thing mo
than what Law or Custom hath Allowed to them for their
pains Cokes Inst. 368 b. 2 Just. 210. 3 Just. 149 and the
promise to pay the Money for the doeing of a thing wh
the Law will not suffer them to take Any thing for, is
Merely Void, However freely and Voluntarily it may Appea
to have been Made Hawkins pl. Cr. lib. 1 chapp. 68 §4. Fo
if once it should be allowed, that such promises could Wo
learn An Action the people would quickly be given to
Understand how kindly they would be taken, and happy
would that Man be, who could have his business well
done without them.

Chapp. 2.

Of Crimes touching law suits.

These are Bribery, Barratry, Maintenance, Champ
cy, buying of Vsual and Battery. Bribery having been
already treated of (Supra pag. 615) I proceed to Champ

the Rest.

Sect. 1.

Of Barratry.

Barratry in the law of England, is a Common Moving
Exciting and Mantaining of Quarrels either in Courts or in
the Country, and the person guilty is termed a Barrator or Ribald
Jenis Derive from the French Barat a Fribal; others from
Barrel a Strangling Jail or quarrel; others from Barra the
Bar where causes are Debated, a Barrator being a Lawyer
a Barr offender, by stirring up Suits Contrived in Neighbourh
in Courts, or by forming the Seeds of Dissention Among Men
by Calumny which occasion Suits in Court. He is Reckoned
a Barrator who does so Commanly or More than Once Cor
Coke Inst. 368. 8 Hawk. pp. 36. 37. 1 Roll. Abr. 355. 3 Mod. Rep.
97. 98. Such an Offender of a Common person is punished by
fine and Imprisonment and by being bound to the good be
haviour; and if he be of Any profession Relating to the Law,
he ought also to be further punished by Disability to
practise for the future Hawkins pl. Cr. lib. 1 chap. 81 §14.

Sect. 2.

Of Maintenance.

Maintenance in General is An Unlawful taking in hand
or Upholding of Quarrels or Suits beyond bearing no thing
to do therein to the Disturbance of Common Right. Thus
Crime in Latin Manutenentia taking in hand or upholding
ding is so called from Manu tenere, by a Metaphor drawn
from the succouring a Young child that learns to go by one's
hand: And was first brought into England by the Nor
mans, Moor 862. 815. 816. For Law to keep peace in
the Country doth ever discourage Litigious parties
in Suits, and much More those who officiously Labor
to have their Abettance in other Mens Matters as
Strangers whereon they have no Interest; a Law