

68 The Subjects of King William and Queen Mary taken at Sea acting by the late King James's Commission were looked on as pirates, and not as Enemies according to the Opinion of the best Politicians. Because an absolute Prince who has no longer the managing the Affairs of his Nation being fallen from a publick to a private condition, and under the power and Government of another can have no more Right than any other private person to Grant Commissions to private men of war to disturb the Trade and Commerce of any Nation, and they who act by his Commission may be dealt with as if they acted by their own or the Authority of any private person. Nations have no other way to hinder their Ships or Goods from being taken, but by treating them as pirates who rob by such Commission, there's no way of making a Titular King weary of granting such Commissions as long as he can find reasons willing to accept and act by them. It runs no Risk of losing any Thing, but may get a considerable Booty by sharing with privateers who have Interest in it, that their Robberies should be continued. He has no Trade or Commerce to be ruined, nor Territories to be invaded. In short he has nothing to lose by Sea or Land. Therefore Nations have no other way to hinder disturbing their Commerce but by using the utmost Rigor against such as accept his Commissions, that by the Terror of the Example they may fright others from attempting the like, and infesting the Seas. His granting a Commission to privateers, is but granting them Authority to rob whom they have a mind to, who being Judges in their own cause cannot be supposed but will Judge all that comes to their hand to be right. Since he who grants the Commission is not able to punish them if they do so much exceed the bounds of what nor to give Satisfaction for any Injuries they commit. It can be in another Prince's Territories whether the pretended prizes must be brought the vnder prizes shall no power to direct a Court of Judicature to Judge according to the maritime Laws concerning the Ships and Goods that are taken. It's true Sovereigns have sometimes forbidden to punish a Titular King for probably destroying a domestick; but this is no Right he can pretend to by the Law of Nations, but only by the permission of the King in whose Dominions he is. Nor can there be any Instance where a dispossessed Prince was allowed to direct a Court of Judicature in another King's Dominions, it's declaring Imperium in Imperio. perhaps it may be said, The King himself is into whose Dominions the prizes are brought may Judge concerning them. But what if he will not? He is not obliged, nor can he have Right to Judge or punish those that acted not by his, but by another King's Commission for what they did support allum. Mars, except they are his subjects. And the same Reason that makes them his Subjects, will make the Exiled King so too; and consequently, a private person without power to grant Commissions to his fellow Subjects. All Authors both ancient and modern who have written upon this Subject, have esteem'd none Enemies but those that have summum Imperium, and all others either Robbers or pirates. But when those who at first were Robbers have turn'd them selves into Societas civilis, whose furinors as well as Subjects may have Justice administered, they are look'd on as Nations, and civil Societies and in their wars with other Nations used as Enemies. Nor was the beginning of most Empires much better. Who ever pretends to the dignity of being esteem'd an Enemy, must have power of making peace and war. It would be ridiculous for a private person to pretend to declare war, since he cannot do it for any Nation, but only for himself. The King had neither peace nor war with the late King James, and look'd on him as a private person incapable of making either. If it be urged, That a King unjustly deposed has still a Right to his Kingdom, and consequently that is in order to recover, it is answered, The Interest of a King when he has no longer the management of the Affairs of any Nation is no more sacred than that of any other person. It was only the office that made the difference which when he is no longer possess'd of, he is but upon the same level with the rest of mankind; and then the peace and Quiet or Trade and Commerce of a Nation ought not to be disturb'd more for his than any other particular person's Interest. No King would suffer Royal privileges to be paid to Christina when she was to be Queen of Sweden, and it was the Judgment of all the Lawyers who ever mention'd that point, that she had no Right to them. Besides the persons accepting a Commission from the late King being the Subjects of King William & Queen Mary were thereby guilty of Treason, and the Commission was null and void as well upon their Account that received it, as his that granted it. Now if the seizing of Ships and Goods by no Commission is piracy, a Commission to commit Treason which is void and null, must be so; no Commission and a void Commission being all one. Matt. Tindal LL.D. 2. say concerning the Laws of Nations and the Rights of Sovereigns. State Tracts vol. 2. pag. 462. to wit. Supra in my Body of Law vol. 1. pag. 45. 46. & 59. vol. 2. pag. 565. vol. 3. pag. 11.

Actions Criminal in the Kings name for offences committed against his Crown and Dignity, and also against his

Terms of the Law of Scotland, or artificial words or phrases particular to the Profession of the Law there. with the corresponding Terms of the Law of England

Accusation (in a writ) of one for a crime, by another who sets his Name to it and offers to prosecute it	an Appeal.
Accusation by the House of commons	Impeachment, from the Fr. Empecher or the Lat. Impetere
Accuser or Informer	prosecutor
Accused person in a criminal Cause	Appellee.
Accuser in a civil Cause	Appellant.
one who confesses a crime before conviction and both accuseth and accuses (bid. Socij Criminis)	Approbator
Aquidies in a sentence of Judges in the first Instance	To abide by it.
Actions (civil)	in civil cases.
Actions (criminal)	common pleas, or those agitated before common persons, an action founded upon Equity.
Actio in factum, or proscriptio verborum	Action leg. it is a civilly, a civil action, a counterplea.
Actio in personam	Actio Supplicatoria, Action on this case so called because the whole cause is laid in the Declaration.
Actio in rem	A Mixed Action, or that which one may have for, is concerning the thing demanded, and also damages for the wrong.
Actio in personam	inrolled and Registered, or entered on Record.
Actio in rem	in fact, or upon matter of fact.
Actio in personam	Issues, to be tried for Information of the conscience of the Judge or Court.
Actio in rem	Rules of Court, orders of Court.
Actio in personam	In esse.
Actio in rem	owing.
Ad hoc (to) a former Judge	To affirm a former Judge.
Ad hoc (to) a former Judge	It null of Right a writ of Habeas Corpus, Extraditio facias
Adjudication (summons of)	rather or delivery of possession of land
Adjudication (summons of)	An Estate by Escheat, or by an Escheat and Liberty, for an Escheat is a reversion of the moiety of the Domesday Lands, which is collateral proofs, and suppositions.
Adminiculated	proved and supported.
Ad hoc (to)	To take heed.
Ad hoc (to)	Spoils-breach.
Ad hoc (to)	Elopement.
Advocate, patrons of causes assisting their clients with advice and pleading for them.	or counsels
The first of these is an advocate who by his Retaining him sure that he shall not be for one the contrary side	Counsellors at Law. Some of these are called Serjeants, Serjeants at Law, to whom as men best to be employed are experienced in the Law and practice one Court, but that of the common pleas is forbid to plead in by themselves, but they are not so limited as to be restrained from pleading in any other Courts, where the Judges (who cannot be sure till they have taken the degree of Serjeant) call them Serjeants, and hear them in the same respect.
Advocate (to) a cause from an inferior to a Superior Court	Attorney General
	To remove it into a Superior Court

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