

(2.) It is an exemption of the clergy from any other secular punishment for felony, than imprisonment for a year, at the court's discretion; and it is extended likewise, absolutely, to lay peers, for the first offence; and to all lay-commoners, for the first offence also, upon condition of branding, imprisonment, or transportation.

(3.) All felonies are intitled to the benefit of clergy, except such as are now ousted by particular statutes.

(4.) Felons, on receiving the benefit of clergy, (though they forfeit their goods to the crown), are discharged of all clergyable felonies before committed, and restored in all capacities and credits.

SECT. XXIX. *Of judgment and its consequences.*

(1.) JUDGMENT (unless any matter be offered in arrest thereof) follows upon conviction; being the pronouncing of that punishment which is expressly ordained by law.

(2.) *Attainder* of a criminal is the immediate consequence, 1. Of having judgment of death pronounced upon him. 2. Of outlawry for a capital offence.

(3.) The consequences of attainder are, 1. *Forfeiture* to the king. 2. *Corruption of blood*.

(4.) *Forfeiture* to the king, is, 1. Of real estates, upon attainder;—in high treason, absolutely, till the death of the late Pretender's sons;—In felonies, for the king's year, day, and waste;—in misprision of treason, assaults on a judge, or battery sitting the courts; during the life of the offender. 2. Of personal estates, upon conviction; in all treason, misprision of treason, felony, excusable, homicide, petit larceny, standing mute

upon arraignment, the above-named contempts of the king's courts, and flight.

(5.) *Corruption of blood* is an utter extinction of all inheritable quality therein: so that, after the king's forfeiture is first satisfied, the criminal's lands escheat to the lords of the fee; and he can never afterwards inherit, be inherited, or have any inheritance derived through him.

SECT. XXX. *Of reversal of judgment.*

(1.) JUDGMENTS, and their consequences, may be *reversed*, 1. By *falsifying*, or *reversing*, the attainder. 2. By *reprieve* or *pardon*.

(2.) Attainders may be *falsified*, or *reversed*. 1. Without a writ of error; for matter *debors* the record. 2. By writ of error; for mistakes in the judgment, or record. 3. By act of parliament; for favour.

(3.) When an *outlawry* is reversed, the party is restored to the same plight as if he had appeared upon the *capias*. When a *judgment*, on conviction, is reversed, the party stands as if never accused.

SECT. XXXI. *Of reprieve, and pardon.*

(1.) A *REPRIEVE* is a temporary suspension of the judgment, 1. *Ex arbitrio judicis*. 2. *Ex necessitate legis*; for pregnancy, insanity, or the trial of identity of person, which must always be tried *instantly*.

(2.) A *pardon* is a permanent avoider of the judgement by the king's majesty, in offences against his crown and dignity; drawn in due form of law, allowed in open court, and thereby making the offender a new man.

(3.) The king cannot pardon, 1. Imprisonment of the subject beyond