

Crown. 3. A Titular King, as the Husband of a Queen, is not a King within this Act, but the Queen is, for the word *King* includes both Sexes.

4. What is to be understood by the King's eldest Son and Heir within this Act? I answer, 1. A second Son, after the Death of the first-born, is within this Act; for he is the eldest. Secondly, The eldest Son of a Queen Regnant is as well within the Statute, as of a King. Thirdly, The collateral Heir Apparent, or presumptive, is not within this Statute. *Roger Mortimer*, Earl of *March*, was in *Anno Dom.* 1487. (11 *Rich.* 2.) proclaimed Heir Apparent. *Anno* 37 *Hen.* 6. *Richard*, Duke of *York*, was likewise proclaimed Heir Apparent, and so was *John de la Pool*, Earl of *Lincoln*, by *Richard* III. And *Henry*, Marquess of *Exeter*, by King *Henry* VIII. But none of these, or the like, are within the Purview of this Statute, saith my Lord *Coke*, 2 *Inst.* fol. 29.

*Note*, Whereas in the printed Statute Book, it is there said *Probably Attainted*, the same is a great Error; for the words of the Record are, *Et de ceo Provablement soit attaint: And shall be thereof Proveably Attaint:* And I cannot but admire that such a gross Mistake should be suffered, since my Lord *Coke* has so expressly observed the difference, in these words following, 3 *Inst.* fol. 12. *In this Branch* (saith he) *four things* are to be observed: *This Word* [*Provablement*] *Provably*, that is, upon direct and manifest Proof, not upon Conjectural Presumptions, or Inferences, or strains of Wit, but upon good and sufficient Proof. And herein the Adverb [*Provablement*] *Provably*, hath a great force, and signifieth a direct and plain Proof; which word, the Lords and Commons in Parliament did use, for that the Offence was heinous, and was so heavily and severely punished, as none other the like; and therefore the Offender must

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