

ment, and incur such Forfeiture, as if he had been convicted by Verdict, or had confessed it. For this standeth well with this word [*Provably*] for *fatetur facinus qui iudicium fugit*. But otherwise it is in Case of Petit Treason, Murder, or other Felony. If a Subject conspire with a Foreign Prince, to invade the Realm by open Hostility, and prepare for the same by some Overt-Act, this is a sufficient Overt-Act for the Death of the King. *Fourthly*, The Composition and Connexion of the words are to be observed, *viz.* [*Thereof be Attainted by open Deed.*] This, (as was resolved by the Justices in *Easter Term*, 35 *Eliz.*) relateth to the several and distinct Treasons before expressed (and specially to the *Compassing and Imagination of the Death of the King*, &c. for that is a Secret in the Heart) and therefore one of them cannot be an Overt-Act to another; as for example: A Conspiracy is had to levy War, this (as hath been said and so resolved) is no Treason by this Act, until it be levied; therefore it is no Overt-Act, or manifest Proof of the Compassing the Death of the King within this Act; for the words are [*de ceo*, &c. *thereof*] that is, of the Compassing of the Death. Divers later Acts of Parliament have ordained, That Compassing by bare Words or Sayings, should be Treason, but are all either repealed or expired. And it was wont to be said, bare words may make an Heretick, but not a Traytor, without an Overt-Act. And the Wisdom of the Makers of this Law would not make *words only* to be Treason, seeing such variance commonly among the Witnesses is about the same, as few of them agree together. But if words be set down in Writing by the Delinquent himself, that is a sufficient Overt-Act within this Statute.

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