

liament, That, *Laws justly made for the Preservation of the Commonwealth, without extream Punishment, are more often obeyed and kept, than Laws and Statutes made with great and extream Punishments, and in special, such Laws and Statutes so made, whereby not only the ignorant and rude and unlearned People, but also learned and expert People, minding Honesty, are oftentimes trapped and snared, yea many times for words only, without other Act or Deed done or perpetrated*; therefore this Act of 25 Ed. 3 doth provide, that there must be an Overt-Act; but words without an Overt Act are to be punished in another degree, as an High Misdemeanor.

*By People of their Condition, that is their Equals.*

7. As to Treason by levying War, 'tis true a Conspiracy or Compassing to do it, is not High Treason, if the War is not actually levied; this appears by the Statute 13 Eliz. cap. 1. which made such Conspiracy Treason during her Life: But if a War is levied, then the Conspirators are all Traitors, though they may not all be in Arms; and if 'tis not levied, yet the meeting and consulting to do it, is a sufficient Overt-Act to prove the Compassing and imagining the Death of the King.

Raising Forces for any publick End or Purpose is Treason, as may appear in the Instances following,

Some London Apprentices were committed for a Riot, and some other Apprentices conspir'd to release them, and to kill the Lord-Mayor; and intending to provide themselves with Armour, they broke open two Houses near the Tower; they got a Trumpet, and hung an old Cloak on a Pole for their Colours, and were going towards the Lord-Mayor's House, in this tumultuous manner, but were opposed by the Sheriffs whom they resisted; and this was adjudged High Treason by levying