

23 H. 8. ca. 3.

7. *Quod capiantur, et in gao'am detrudantur.* Which sheweth how odious perjury was in the eye of the law: and this law doth yet remain in force; but a milder punishment is set down by the statute of 25 H. 8. wherein the party grieved hath election to ground his writ of attainr upon this statute, or to take his remedy at the common law.

2 H. 4. 10.  
11 H. 4. 83.  
20 E. 4. 10. b.  
22 E. 4.  
13 El. Dier, 302.  
Mich. 7 & 8 El.  
Dier, 242, 243.

For perjury concerning any temporall act, the ecclesiasticall court hath no jurisdiction; and if it be concerning a spirituall matter, the party grieved may sue for the same in the star-chamber. See the statutes of 3 H. 7. ca. 1. 11 H. 7. ca. 25. 32 H. 8. ca. 9. And when you have read the case in Mich. 7 & 8 Eliz. Dier 242, 243. you will confesse how necessary the reading of ancient authors and records is, and the continuall experience in the star chamber is against the opinion conceiv'd there.

Mich. 10. Ja.  
Rowl. Ap Eli-  
zaes case, in  
cam. stellat.  
See hereafter  
Verb. Informa-  
tion.

And Mich. 10. Jac. in the star-chamber in the case of Rowland Ap Eliza, it was resolved, that perjury in a witness was punishable by the common law, as hereafter shall be shewed more at large. But now let us peruse the words of the statute.

Mich. 40 & 41  
El. Lib. 5. fo. 99.  
in Flowers case.

*By any writ, action, bill, complaint, or information.]* Out of these words are perjury, and subornation of perjury upon an indictment for the king (for example of riot) as it was resolved in Flowers case, because that perjury upon an indictment is not within the statute. But seeing perjury was an offence punishable by the common law, though the indictment of Flower grounded upon this statute was overthrown, yet is such perjury upon an indictment punishable, and most commonly punished in the star-chamber.

The case of  
Rowland ap Eli-  
za in the star-  
chamber ubi su-  
pra.

*Information.]* By this it appeareth, that perjury committed in an information exhibited by the kings attorney, or any other for the king, by any witness produced on the behalf of the king, is punishable either by this act or by the common law. And so it was resolved in the said case of Rowl. Ap Eliza, which was this. The kings attorney preferred an information in the exchequer against Hugh Nanny esquire the father, and Hugh Nanny the son, and others for intrusion and cutting down a great number of trees, &c. in Penrose in the county of Merioneth. The defendant pleaded not guilty, and the tryall being at the bar, Rowl. Ap Eliza was a witness produced for the king, who deposed upon his oath to the jury, that Hugh the father and Hugh the son joyned in sale of the said trees, and commanded the vendees to cut them down: upon which testimony the jury found for the king, and assessed great damages, and thereupon judgement and execution was had. Hugh Nanny the father exhibited his bill in the star-chamber at the common law, and charged Rowland Ap Eliza with perjury, and assigned the perjury, in that he the said Hugh the father never joined in sale, nor commanded the vendees to cut down the trees, &c. And it was resolved, first, that perjury in a witness was punishable by the common law. Secondly, that perjury in a witness for the king was punishable by the common law, either upon an indictment, or in an information, or by this act in an information. And the said Rowland Ap Eliza was by the sentence of the court convicted of wilfull and corrupt perjury.

But for our more orderly proceeding, let us define, or describe what perjury is in legall understanding, both upon this statute, and at the common law.