to be art and part of the throwing down a house by his sons and servants by Resetting the Committers, tho neither Declared fugitive nor intercommuned, and saying they did no ill, and that he wished they had hagged a Pale (or taken a Collop) off the Checks of the owner of the house 9 March 1671 Robert Son of Wathraw. By the Civil law, Receiving or harbouring of Criminall knowingly or letting them go away when they might be lyppenedoned, is liable to the same punishment as the Criminal Received l. 1 ff. de Receptatoribus l. 1 C. de his qui Latrones Vol. Illis Criminibus Reos Occultant. But the punishment may be mitigated if the offender is Received by his Kinsman l. 2 ff. de Receptator. But by the laws of Different Nations, such offenders are liable to an Arbitrary punishment, Menoch. de Arbitr. Jud. Quæst. lib. 2 Cas. 345 Prosp. Farin. de Carceribus Quæst. 30 n. 94. 96. de Confutoribus Quæst. 133. n. 5. Gomez. 3 Var. Resol. Cap. 3 n. 30 Groenweg. ad l. 1 C. de his qui Latrones. Jo. Voet Comm. ad Tit. ff. de Receptator. n. 4. Witness in some cases the Resetters of Malefactors are more severely punished than the Malefactors themselves Act 36 Parl. 2 J. 1. But the Malefactors themselves supplyed or suborned Gondral Rule is, that Resetters supplyed or suborned minors with Declared outlaws or fugitives from Justice, are liable to the same pains that the outlaws or fugitives might have been subjected to had they been Convicted Act 144 Parl. 12 J. 6. It being the interest of the Common Wealth, that every man do his outmost Endeavour to keep the Country quiet, and highly Reasonable, that those who enjoy the protection of the Law, should persecute all opposers of it. By the Law of England one who receives a Felon knowing him to have committed a Felony and hinders the Execution of Justice upon him by harbouring and Concealing him and Machines ways for his Escape, Relieving him with money, Victuals or a Horse for his journey, is Accessory to his Crime after the fact 1 Hawk. Stamf. pl. Cr. 41. 2. Code 2 Just. 183 Hale pl. Cr. 216 Hawkins pl. Cr. lib. 2 Chap. 29. § 26 & 32. The law is Justinian in this, that a Master by Relieving his Servant or a Servant by Receiving his Master, a brother Receiving his brother, or a husband Receiving his wife may be Accessorys. But a wife by Receiving her husband becomes not Accessory to his Crime. Because she is not bound to Discover the Offence of her husband to whom she is

is in Subjection Stamf. pl. C. 26. c. Hale pl. Cr. 219 Hawkins ibid. § 34. Persons Receiving or buying any goods or Chattels felonious by Theft or Stolen knowing them to be Stolen are Reputed Accessory to the felony and Suffer death as Felons 5 Anne Cap. 31. § 5. Tho it Chronicle an Accessary of an Accessary as this that is a Felony Trials 1720 p. 197.

The Doctors are Certainly in the Right, when they affirm that one who lends assistance to a Criminal, whether before or after his Commission of the Crime, is Equally punishable with him, if the Deed was Consulted and agreed to by both at the Beginning before Commission for Ejus data Auxilij ad Evadendum inteli. igitur Auxilium ad Malefitium committendum, Prosp. Farin. de Consultori Cap. Quæst. 132. n. 29. There are no Accessories in the highest Crime as treason. Nor Are there by the law of England Accessories in the lowest offences, or in any offences under Felony. In which all Concerned are in the Judgment of law Principal offenders Coke 3 Inst. 138. 2 Inst. 183. 1 Inst. 57. a. Hawkins pl. Cr. lib. 2 Cap. 29 § 2. Which Implies, that there are Accessories in Felony. But in Scotland Accession after the fact by Ratification, in other Crimes than treason, falls not under art and part, Unless the Ratifyer hath been some other way Accessory to Commission of the Crime Dict. Sup. pag. 13. Those who are art and part of a Crime are punishable as the principal offenders Quon. Attach. Cap. 83. Act 161 Parl. 12 J. 6. And it is the Uniform Custom in all Criminal Courts to punish Complices who are art and part, as the principal Criminal. But Sir George M'Kenzie Crim. part 1 Tit. 35. § 10 looks upon this as hard dealing, quia pœna est Commune furandæ dolieto, and Accessories in the Opinion of the Doctors, are ever punishable as they are more or less guilty. Upon which Account, it was formerly the Custom of the Justices or the parties, to Apply to the privy Council for a Mitigation of the ordinary punishment according to the Degree of guilt. And now that the privy Council is Suppressed, and there Remains no shorter way of Interposing for Criminals whose case pleadeth favour, than by Immediate Recourse to the Kings Mercy: It seems just, that An Intrinsick power to proportion the punishment