is guilty of any Crime whatever thro his Voluntary Drunk-
nes, shall be punishable for it as much as if he had been
sober, Cook Litt. 247 Hawkins pl. Cr. lib. 1 Cap. 1 sect. 6 Ha
misprint for Vol. I. pag. 32
pl. Cr. 43, and to sustain such an Excuse of Drunkenness w
is of it self a Criminal and Unjustifiable cause, to free the
offender from the ordinary Punishment, were to open a door
to the Committing all Crimes with Impunity and Safety
under that Colour: Since a Villain would have nothing to d
but first to Make himself mad with wine and then to do a
Mirror. But who temperately drinking sometimes, usually by Drunkenness seeks not
Crimes, but is overtaken by them, or more rarely, such Drunkards as habitual or frequent and permanent
Madness, is not at Liberty but under the power of Unde
may be some times excused from the guilt of offences Com
mitted by them. Civilians Reason Variously and prolixe
upon the point, how far the warrand or Command of
Superiors Excuseth Crimes Committed by their Inferiors
or Dependants. By the Civil law and the opinion of the
Doctors thereof, the Command of the Sovereign
or of a Magistrate acting in his publick Capacity C. 4
l. 2 § 8 ad Agra et Agit. Thes. Arc. or of a Master known to
Cruel l. 3 pr. § ad L. Segnit. Excuseth all together for lesser
Crimes, and plead a Mitigation of the ordinary punishmen
of such as are Attrocious Fragnell. de panis temperand.
Causa 34 Prosp. Farin de panis Tempor. Quest. 97 n. 9 & Seq.
n. 118. 119. 127. 128. 163. 164. 170. By our law a Masters Command
his servants or Cottars to break laws, as to set Mure burn do
not free servants Executing such Command but both be Ma
tor and they are liable Act 46 Parl. 4 J. 4. Albeit the Master
Command joined to Ignorance of the Unlawfulness of th
the servant who Executes it, might seem to Excuse at lea
a pœna ordinaria for the Breach of a penal Statute M'Kon
observ. on d. act 48. A Masters Command should not Excuse
a servant from the punishment of a transgression against
the Law of God or Nature or Nations, or of a Crime Attro
M'Kenzie ibid. And tho the Command of a severe Master
might Excuse a servant or be a cryonne to Alleviate
ordinary punishment for a first fault: it will have n
Such Effect for his Repeated transgression Act. Will.
Cap. 19 § 9. Because he should Defend the Servile of
Master. Thus where a Robber was Hanged, his Servant

who knew his Master to be such a Rogue, were only banished
for the first transgression, but they had Run the same fate with
their Master, had Repeated acts of Robbery been proved against
them M'Kenzie Crim. part. 1 Cap. 35 § 5. Cap. 20 § 6. No Authority of
a Master can Justify or Excuse upon Violence to the Law, that
it be Interposed at the time of the fact. Therefore it was not sus-
tained Relevant to Exculpate servants in a Libel for Deforce-
ment by a Messenger in the Execution of a Sentence
of their Masters Court that he their Master had the Night
before Threatned them by holding a Blunderbuss to their breast
if they did not do as they had done to the Messenger: because
they had a Remedy and were under no present terror of
their Master at the time of the Deforcement 8 January
1726 James Hamilton and others. But this Defence Plead
by one who was in Arms at the Committing of Robbery was
sustained to free him of guilt, that he was Compelled by
threatning with a Pistol or drawn Sword and dragged away
with them out of the house where he was the day before Com-
mitting of the Crimes, and Continued under Restraint by force
of Arms, when it was Committed 1 August 1717 James Grahame
Alias Gramock Greigrock. By the law of England a servant
is not to be Executed for the Commission of any Crime whether
Capital or not Capital, that he acts by the Command or Co
ercion of his Master; the Master having no such power
over him Hawkins pl. Cr. lib. 1 Cap. 1 sect. 14 Wood Instit. Vol.
2 Lib. 3 Cap. 1. The Command of a Father Excuseth less
for petty, but not for Attrocious Crimes except other Cir-
cumstances Concur to plead for him Prosp. Farin de panis
Tempor. Quest. 97. n. 133. 154. M'Kenzie Crim. part. 1 Cap. 35
§ 6. as that he was Under twelve Years of Age 21 January
1662 John Aae. By the law of England, a son is not Excused in
the Commission of any Crime whether Capital or Not Capi-
tal by the Command or Coertion of the Father, Hawkins ibid.
With us, a wife Committing a Capital or Attrocious crime,
the in obedience to her husband, is liable to the ordinary
punishment Stat. Will. Cap. 1988. But his Authority might
perhaps Excuse to her in lesser crimes, and be a groune
to Alleviate her punishment for a Heinous Crime Prosp.
Farin ibid. n. 161 Gomez 3 Var. Resol. Cap. 3 de Delictis n.
12 M'Kenzie Crim. part. 1 Cap. 35 § 6. By the law of En-
gland, a feme Covert is so much favoured in Respect of
that