

One who knowing another to be determined to kill, do it
 He did legally and officiously back him with his sword to do
 so, is liable only to an arbitrary punishment, he did
 at the same time that the guilt of such a deed is ignorant
 of the other's intention, unless the deed of death. Where
 the lawyer presumes, that one ordered by another to kill will
 have done it, without that others' intervening if he was
 mortal Enmity to the person slain; or had threatened to
 patch him, or made preparation for that end. M. Brock
 de ar. tit. Tre. de aff. lib. 2. cap. 352 n. 13. Barp. 200. Crim.
 part 1. Sec. 4 n. 27 of 1799. Others hold, that when one gives
 to another to kill, he is liable to the ordinary punishment
 whether that other would have done so without such aid
 or not. Gul. Clar. lib. 5 § fin. de ass. § 9 n. 1.

One who takes a Weapon to another in order to
 striking some person therewith is accessory in the highest
 degree to that other's fact. Hale pl. Cr. 216. Hawkins pl. Cr.
 lib. 2 cap. 29 § 7. The Justices taking two persons to fight
 together in the night time and causing furnishing them with
 swords and lighted Candles, one of whom ^{with} he killed the
 other; was found relevant to infer the pain of death
 that it was intended for the purpose, of that killing to
 fight could not infer a Capital punishment, unless
 that he without malice, where the person who killed is
 known of the accessory but what is immediate is relevant
 to infer the ordinary punishment; whereas the intention of
 a sword is but a remote accessory. And Intention of
 the Murderer, especially in Criminals to be Intention
 of an evil sort, without clear and sufficient Evidence
 22 November, 1697. Kirin month of that ill. One that
 ing at a Gunn guard with a Drawn sword in a tumult
 was found relevant to infer his being evil and part
 of the slaughter of two soldiers of the said guard. One
 killed at that time at night about Captain James Bruce
 and Lieutenant David Arral. Who were engaged in a
 quarrel.

quarrel with drawn swords, a third person Intentional and did
 one of them in his grasp till he saw the other run him through
 with his sword which he was so withheld from stopping him
 self, or avoiding the mortal blow; did a particular Intention
 -sing would no Doubt infer art and part of the slaughter. B. P.
 Ferrius Confess. tit. 1. § 130 n. 36. Hale pl. Cr. 216.
 Hawkins pl. Cr. lib. 2 cap. 29 § 7. But the person being in a quarrel
 by holding one of the parties hands while the other gave him
 a mortal wound with an event Weapon, was found relevant
 want to infer only an arbitrary punishment 23th by 1716
 Thomas West and Gaffery Robers. Because he could not know
 of the Danger by a sudden Instrument of death. And where
 one having in a quarrel with another who was standing in
 wounded that other to death with a drawn sword in the
 Belly; it was found relevant to infer only an arbitrary punishment
 influential upon the distress for her; that he after being
 hit for with his sword drawn did with his weapon a stab
 beat or strike the person killed or so immediately by the
 him before the mortal blow, that his intention of the
 stroke did hinder him to defend against the said blow.
 22 July 1706 Robert Kennedy of Strickland de l. Co. m. p.
 a father is bound to defend his son. C. 5 § 3. § 1. quod mot. and.
 C. 36 § 1. § 1. de homicid. Gul. Clar. lib. 5 § homicid. n. 27. Crim.
 Crim. part 1 qu. 32 n. 4.

Simple presence at the Commission of Slaughter is not
 relevant to infer Accession thereto. June 1673. M. Inst. of
 Northw. But it was sustained relevant to infer an arbitrary
 punishment against those persons at the Commission
 of Slaughter, that they had Reached Weapons or given assistance
 to at the time of the Slaughter. C. 5 § 3. § 1. quod mot. and.
 26 Gordon. And it was sustained to infer art and part of
 the Slaughter committed against those persons at the fact
 that they had drawn Swords at the time 18th by 1691. § 1. quod mot. and.
 1691. Master of Garbol & others. But it was found relevant
 to infer an arbitrary punishment for art and part
 of Slaughter by presence with a drawn sword, to an
 arbitrary punishment, that the sword found with
 the person was at the home of the Slaughter in the
 hands.