

houſe or Chaſter Bleſt or write therein or broke the door or fra-
 bars of the Chaſter Houſe where the writs were, was found liable
 to an Arbitrary imprisonment, June 17. 12. Ludwick Grant of the
 iſle & Jean Houſe & their ſervants had now this new & ſtrange way of
 ſending any Letter without ſigning and ſealing the ſame, as if the great
 ſome charge and at great pain to Diſtinguiſh the great
 neceſſity or ſmallneſs of the burning. But this Crime is prevented
 by holding the fire, the better or the Damaged, ſince by its
 being timely Extinguiſhed, which doth not alter the Nature
 of the Punishment, becauſe of the Danger of loſs that might
 otherway have happened. Carpent. Crim. part 1. q. 38 n. 44
 & Fogg. Jurisprind. Ground. Conf. 17 Doſ. 3. 4. ^{ſuch} however Crime
 part 1. q. 54 being a ſmall ſpark may ^{be} kindled as a great fire
 By the Law of England if any part of the Houſe be burnt, the
 offender is guilty of felony notwithſtanding the fire afterwards
 go out or be put out of it ſelf. Coke 3 Inſt. 66. Hawthind p.
 Cr. lib. 1. chap. 39 54. Albeit quilibet caſt rei ſue Moderato
 & Arbitrio, every one may Regularly diſpoſe of his property
 as he thinke fit: Yet if a Man Maliciously burn his
 own Houſe with Intent to burn others, he is juſtly Accounted
 a wilful fire-raiſer, altho the fire go not beyond his own
 Houſe, and no other perſon ſuffer thereby. Carpent. Crim. part
 1. q. 38 n. 46. Jurisprind. Ground. part 1. Conf. 17 Doſ. 2. Part
 1. q. 52 because it was not long ſince that the adjacent Houſes
 were not burnt, and he who wilfully burns his own Houſe
 is presumed to do ſo with an evil Deſign againſt his Neighbour
 being partly, for that a mans Right to the property
 of others. By the law of England, if one Maliciously burn
 his own Houſe with an Intention to burn others, and
 ſuffer him ſelf not Executed, his own only being burnt, it
 is felony, but a great miſdemeanor puniſhable with fine
 and binding propoſitively to the good Behaviour. Cr.
 Cr. 85. Vol. 29. Hawthind p. Cr. chap. 39 53
 When a perſon Maliciously Intending only to burn
 the Houſe of another, ſuppoſe thereby to burn the Houſe
 of B. he may be indicted as having Maliciously burnt

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the Houſe of B. Coke 3 Inſt. 67. Hawthind. Crim. lib. 1. c. 55.
 For when a felonious Deſign againſt one man Miſtakes its
 aim, and takes effect upon another, I hold the like Conſtruc-
 tion as if it had been directed againſt him who ſuffered. By
 it. He is reckoned by the Doctors of the law to be a will-
 ful fire-raiſer, who Deſignedly ſets the fire, whether of his
 own Houſe, or promiſes or ſets to do it by others, or by whoſe
 order it is kindled. Carpent. Crim. lib. 1. c. 48 & Fogg.
 Wilful fire-raiſing is one of the pleas of the Crown
 Leg. Med. l. 2. cap. 13. L. i. c. 76. Stat. lib. 2.
 cap. 14 which ought to be tried before the Court of Juſticiary.
 Perſons may be convicted of this Crime at this Crime upon
 ſuppoſitions. Perſons. Crim. lib. 2. c. 2. Sec. 1. Crim. q. 1.
 upon ſuppoſitions. Perſons. Crim. lib. 2. c. 2. Sec. 1. Crim. q. 1.
 110 n. 157. That wilful fire-raiſing and burning of Houſes
 of corn was inferred from ſuppoſitions 9 March 1714
 Patrick Hopburn of Kingſtown and one was condemned
 for wilful fire-raiſing and burning a Houſe with ſeveral
 perſons therein upon ſuppoſitions 26 10 Auguſt 1633
 John Madburn. Which was George Michonizes (Crim. part
 1. q. 52) thought here: becauſe, tho the Deſign to burn
 which is an Act of the Mind might be Cleared by ſuppoſi-
 tions, the External Act of burning ſhould be proved pri-
 marily by Witneſſes and Confeſſions. But yet ſuppoſitions
 of wilful fire-raiſing were in another caſe ſuſtained be-
 cauſe to infer the pain of death and Conſideration of
 Moveables. Albeit it was pleaded, that tho when a Man
 Covered with Wounds is found Dead in the ſtreet, it may
 be certainly concluded, that he was Murdered, yet a Houſe
 or barns being burnt yields no Evidence, that it was Ma-
 liciously ſet on fire: Which plea was Rejected, in that
 the whole Circumſtances libelled did Convince to ſhew
 that the fire was wilful 7 November 1720 William Grazer
 alias Right Alexander Grazer alias Barri. Women but
 whoſe are admitted to prove threatening to burn a Houſe
 5 April 1686 Gravel ſomewol. A Domestic Provant.