

3 Inst. 69. Hale pl. Cr. 73. 74. <sup>Hest. Pleas. Cor. vol. 1, pag. 532</sup> Rowland Tit. 512. For the  
 Aidaiouness of the fact in open Robbery of the law  
 and not the value of the thing is Considered. Which the  
 Inconsiderable value of things Robbed was not just  
 as a ground to absolve from that Crime 3 July 1671  
 Samuel Smith the Tindorss Attacking a Woman on the  
 high way with a mortal weapon in his hand, and  
 thereby forcing her to Deliver to him about 7 shillings  
 of money she had on her person, was was Relevant  
 Infor the pain of Robbery 19 June 1710 Samuel  
 It is Accounted Robbery, to take away forcibly from  
 a thief things he had stolen from another Cr. 12  
 Tit. 11. 53. Hale pl. Cr. 144. Because the Damage  
 as is not so much Considered in Robbery, as the  
 banes of the publick quiete. But ones Violently take  
 away from a Robber's Account that, which had been  
 Robbed from himself is Justifiable. Which is Just  
 as Relevant to absolve from Robbery if swite, kind  
 bill of Exchange being snatched up by the pursuer  
 off the Pannels table without his Consent, he is Just  
 mediately take back the said Bill and other writs  
 with force, and the other writs taken from the pursuer  
 in Recovery of the Bill were Immediately offered to be  
 Restored to him by the Pannels 19 Feb. 1713 Sir William  
 son of Salford.

A person is Considered as art and part of Robbery  
 the same ways as one is held to be art and part of the  
 and supra page 502 All that come in Company to Rob  
 are Principals, the one of the gang only Actua  
 do it's Way, where they mistaking their first Intention  
 prey, one of them Rides off and Robs another  
 the same high way out of View of the Rest, and he  
 turned to them, all are guilty of the Robbery, the

did not Consent to the fact; because all came with  
 a Design of Robbing, and to a strict one Another in case  
 of Need, Hale Tit. 72. Rowland, Tit. 57.

By the Civil law, Robbery is punished Civilly by  
 payment within the Year of three times the Value of the goods  
 Robbed, besides Recovery of the goods; and After the Year  
 the goods or Value may be Recovered whether the offender  
 was taken in the fact or Not, pro. in ff. de Vi bon. rap.  
 and is also punished Criminally as an offence against the  
 publick, according to the Circumstances of the fact or  
 the frequency of the offenders guilt, by Condemning to  
 work house for 1. 51. if de Effra. & Exquil. or to the  
 Battardo or Bridgolling and then to the Mines or to  
 work house for 2. 14. 800. or with Banishment or the pain  
 of death more or less ignominious 2. 28. 5. 10 & 15 ff. 19. panis.  
 But this Crime, which by moral laws are Endangered as  
 well as their goods, is now Generally every where for the  
 very first offence punished with death, even in  
 those Countries where Discipline of the Whip Proves  
 find or through the Discipline of the Whip Proves  
 Jan. 20. f. 167. q. 1. 67. n. 86. 88. ff. 19. panis. f. 167.  
 part 1. tit. 34. 51. In England Robbery is felony without  
 benefit of Clergy 23 H. 8. cap. 1. 25 H. 8. cap. 3. 1 Edw. 6  
 cap. 12. 4 & 5 Ph. & M. cap. 4. 39 Eliz. cap. 15. 3 & 4 W. &  
 M. cap. 9.

By the Law of Scotland, Capital Mory, the thing  
 punishes the pain of treason only for Common the first  
 least frequently Committed, were punished as traitors  
 for Robbery, tho they had not been Commonly guilty  
 thereof Act. 50. Parl. 11. J. 6. The words Commonly  
 Receipt of the first or fourth view in the Statute, being  
 Considered Injunctively Makenzie's Tit. 52. And the  
 person who simple Robbery in Capital Mory was equally