

None shall be punished by this Act, who shall be punished for the same offence by any other Act; nor shall be questioned, unless he be proceeded against within six months after the Offence committed.

Ibidem.

§. 13.
Exportation.

If any export, transport, carry or convey out of England or Ireland, into any Parts out of those Kingdoms, or into Scotland, any Sheep or Wool, of the breed or growth of them, or any Woolfels, Mornings, Shorelings, Yarn made of Wool, Woollocks, Fullers-Earth, or Fulling-Clay; or shall pack or load, or cause, or be the same in any Horse, Cart or Carriage; or load, or lay on Board, or cause, or be the same in any Vessel in England or Ireland, with an intent to convey of cause, or be out of England or Ireland, into Scotland, or any Foreign Parts; It is Felony, 14 Car. 2. c. 18.

Every Owner of Ship, Vessel, Horse, Cart or Carriage, upon which the same shall be laded to be exported, and every Master and Mariner of such Ship or Vessel, every Factor, Servant, or other Person, every Customer, Comptroller, Waite, Searcher, Surveyor, and other Officer or Person knowing thereof, and wittingly consenting therunto, shall be a Felon, and suffer as a Felon, *Ibid.*

No Person shall be impeached for these Felonies, unless indicted within four year after such Offence committed, 14 Car. 2. c. 18.

The Owner of the Ship, Master or Mariner, knowing thereof, that shall within three months after his knowledge thereof, or return into England or Ireland, give the first information *bona fide* before the Barons of the Exchequer of England or Ireland, or the Head-officer of the Port, where he arrives, upon Oath, of the Goods conveyed; and by whom, where, and in what Vessel; and be ready upon notice by Process to justify the same, shall be excused of Felony, but liable to other Forfeitures, 14 Car. 2. cap. 18.

Accessaries. CHAP. CLXL. V. 168.

§. 1.

ONE describeth an Accessary, *Accessarius, quasi accedens ad culpam, & particeps culpe*, as witting or knowing of it; another, *Accessarius etiam secundarius dicitur*.

In Treason.

In High Treason there be no Accessaries, for the Advisers, Counsellors, Perswaders and Assistants therein, as also the Receivers knowing thereof, be Principals, and as much as if they were Actors or Doers; yea, all that shall advise, counsel, perswade, command, procure or hire another to do any Treason or Felony, (they being indeed the very cause of the Fact) may well seem as culpable, if not more than the Principal Actor; for the Rule is, *Plus peccat author quam actor*. Examples also we have hereof, in the Book of God, Gen. 3. The Serpent, the procurer of the first Sin, by Gods own Judgment, had a greater punishment than the Woman or Man. Again, 2 Sam. 12. 9. David is told (from God) that he had killed Uriah, whereas he only commanded Job to kill him, &c. Yet in case of Felony our Law is otherwise.

Note, Whatever Offence doth make a Man Accessary in Felony, the same, or like Offence maketh him a Principal in High Treason. Stamf. 40.

But yet it seemeth this is to be understood of Accessaries before the Treason; for receiving, aiding and comforting a Traitor after the Offence (knowing the same) was holden to be but Misprision of Treason, Br. Cor. 135. Br. Treas.