

Dyer 296. 12 & 13 Eliz. Dyer 296. And yet by some other Authorities, the receiving of Traitors after the offence, knowing thereof, is holden to be Treason. See 3 H. 7. 10. Br. Treason 19. Hussy Chief Justice, and Crotap. 42. b. who alledged the Book called *The Exposition of the Terms of the Law, tit. Accessaries.*

Sir Edw. Coke L. 57. telleth us, That in the highest and lowest Offences there be no Accessaries, but all are Principals: As in the highest Offence, which is *Crimen lese Majestatis*, there be no Accessaries; and so in the lowest, as in Riots, Routs, Forceable Entries, and other Trespaffes, *Vi & Armis.*

§. 2.  
In what  
offences.

In cases of *Premunite* there may be Principal and Accessary, by some opinions, 44 E. 3. & 8 H. 4. 6. b. Hulls, Br. *Premunere* 4. 6. *Tamen quare*, for these Offences seem more like a Trespass than a Felony, &c. And upon the Statute of 27 E. 3. the Offenders shall forfeit nothing, if they appear at the first day; but if they appear not at the first day, then (for their contumacy) they shall be out of the Kings Protection, and shall forfeit their Lands and Goods to the King, which are as a pain given by the Statute; but it is no Attainder: Also, if the Principal appear not, or happen to be dead, yet the other shall answer; and therefore it seemeth that they be all Principals in cases of *Premunire*, Br. *ibid.* 4.

In Petty Treason there is a Principal, and there may be Accessaries, as there is in Felonies.

In Felony there be two sorts of Accessaries.

The one is Accessary before the Felony committed.

The other is Accessary after the Offence done.

§. 3.  
Two sorts  
in Felony.

But he that is present at the time of the Felony committed (be it in case of Murther, Robbery; Burglary or Larceny) is a Principal at this day, if he were either a Procurer, or Mover, or Aider, Comforter or Consenter thereto, although at that present he doth nothing, See before *Plo.* 100. a. 11 H. 4. Br. *Coron.* 188. & 228. & *Indictment* 5.

And yet concerning Murther, note, that in every Appeal the count is, that every Principal *Luycoup' & ferust mortalment*, &c. But those words are but words of Form, and the striking of him which killeth the party, shall be adjudged the striking of all those which command, procure, move, aid, or consent thereto, when they be present; and they which give the stroke or wound may be termed Principals in Fact, and the other being present, Principals in Law. See *Plo. fol.* 97. b. & 100. a.

Stamf. 40.  
b.

If one being present at the killing or robbing of a Man doth nothing, yet would have aided his companion if there had need been, he shall be adjudged a Principal, *Fitz. Coron.* 309.

F. Cor.  
325.  
Stamf. 37.  
40. b.  
Crompt. 44  
4 H. 7. 31.

But if one be present by chance, and seeth when another is slain or robbed, or when any other Felony is committed, and doth not come in company with the Felons, nor is of their Confederacy, although he doth not make any resistance, or disturb the Felon, or levy Hue-and-Cry, nor discovereth the same, but concealeth; yet it is no Felony in him, but misprision of Felony, and finable as a Trespass.

Misprision.

And he may be imprisoned by the Justice of Peace until he shall find Sureties to pay such Fine as shall be assessed upon him by the Justices, before whom the Cause shall be heard. See *Fitz. Coron.* 395.

Also in some Cases a Man may be a Principal, although he be not present at the time of the Felony committed; as if A. knowing drink to be poisoned, perswades B. to drink it, and after B. (in the absence of A.) doth drink it, and dieth thereof, A. is here a Principal Murtherer, *Co.* 4. 44. See other