

Also none which is Accessary before the Fact, to any felonious burning of any Dwelling-house, or any part thereof, or Barn with Corn, shall have any benefit of Clergy, 1 E. 6. cap. 17. 4 E. 6. cap. 5. Ph. & Ma. cap. 4. See Co. 11. Poulter's Case.

No Horse stealer, nor Accessary thereto, either before or after such felony done, shall have any benefit of Clergy, 2 E. 6. cap. 33. & 31 E. 112.

§. 7.  
After the  
Fact.

Accessaries after the Offence, are they, who knowing that another hath committed a Felony, do feloniously or voluntarily receive or harbor him, or relieve, assist, comfort or Aid him, whether it be before the Attainder of the Felon, or after his Attainder, Br. Indictment 4.

As to comfort or relieve a Felon (before he is attainted) with Money, Meat, Drink or Lodging, knowing of the Felony, maketh one Accessary, 26 Aff. pl. 47.

So to lend him a Horse to go his way withal, or otherwise to be a means of his Escape, Fitz. Coron. 427.

But to relieve him being in Prison, maketh not a Man Accessary: Also to aid him by his good word, or sue for his Deliverance, or to find a Letter for his Inlargement; this maketh not a Man accessary to the Felony, Finch.

A Felon that goeth under Bail, and stands bound to appear for his Trial; to receive, harbor or relieve such a one with Money or Victual, breedeth no danger of an accessary, because the Felony in these last cases cannot be concealed, nor the Trial hindered by it.

A Felon getteth his Pardon; such as shall receive or relieve him after shall not be accounted accessary; but to receive or relieve him before his Pardon obtained; is felony. See Pl. 476. Yet it seemeth upon this Pardon, such accessary before shall be discharged.

A Felon is attainted by Verdict, Confession, or by Utlary; to receive, harbor or relieve such a one, by any Person dwelling in the same County where the Felon is attainted, it maketh such Receiver or Aider, an accessary to the Felony, although such Receiver, &c. did not know of the Felony; because by the Attainder of the Felon, he is a Felon of Record, whereof every Person dwelling in the same County is to take notice. Yet Master Bratton requireth a more direct knowledge in the parties to make them Accessaries. For albeit a Record (and specially the pronouncing of an Utlary in the County Court) be so notorious; that every Man may easily come to know the same; yet were it an over-great extremity, that every Man should (upon the peril of his own life) take certain knowledge thereof. Which opinion of Mr. Bratton, Mr. Lambert also holdeth to be very reasonable.

But a Felon attainted by Verdict, Confession or Utlary, in one County, if another doth receive or aid him in another County; this maketh such Receiver or Aider no accessary to the Felony, unless he did also know of the Felony.

Feme Co-  
vert.

If a Feme Covert shall relieve, or receive and keep Company with her Husband, knowing him to be a Felon, she is no accessary thereby: For a Woman Covert cannot be accessary in Felony to her Husband, for she ought to relieve him, and not to discover his counsel. But *quere*, if this be not to be understood of accessary after the Fact; for if the Wife shall procure counsel or conspire with her Husband to commit any Felony, and the Husband thereupon shall execute the same, although the Wife be not present thereat, yet the Wife may seem to be accessary to her Husband in such case; for Mr. Bratton saith, *Uxor virum accusare non debet, nec detegere Furtum*

Stamf. 41.

Ibid.

Br. Cor.  
103.

Lamb. 286  
Crompt. 49

F. Cor. 377  
Stamf. 96.  
Dyer 354

Lamb. 283

F. Cor. 375  
Vi. Stamf.  
41.

F. Co. 382  
Stamf. 24.  
& 43.