

*Furtum suum neque Feloniam; consentire tamen non debet Felonia viri sui, neque esse coadjutrix. Stamf. 26.*

Also if the Wife receiveth, &c. another Felon, she is an Accessary.

A Servant may be Accessary to a Felony committed by his Master or *Servant* Mistress, &c. By relieving or aiding them, or otherwise by being a means of their escape, as it seemeth: For Mr. *Bracton* saith, *Concubina & famula domus non sunt in eodem casu quo uxor; ipsa enim accusare tenentur, aut recedere a servitio, alioquin videntur consentire, Stamf. 27. a.*

A Servant knowing his Master to be a Felon, continueth to do him Service; the Servant is thereby an Accessary, *Let. M. Cook.*

The Master knowing his Servant to be a Felon, still keepeth him in his Service; the Master is thereby an Accessary, *Ibid.*

See Stamf. 42. c. such a matter.

A Felon fled to the House of his Natural Brother, and the Brother shut the fore-door against the Pursuers, and conveyed the Felon out of his House at a back-door, whereby he gat to the Church: This Brother was adjudged an Accessary for it, for he was a means of the escape.

*Quere*, If a Felon flieth and cometh to his Friends House, and his Friend shutteth the door against him, and yet maketh the Pursuers believe that he is in the House, whereas he escapeth, if this make not the Friend an Accessary.

9 H. 4. 1. Br. Cor. 26 See Br. Etc. 43.

A Man hath a Felon in his House, and (knowing of the Felony) suffereth him to go his way, and so to escape; yet this is no Felony; for that he had not arrested him of the Felony before: Neither can such an escape make him an Accessary, except he were any means of the escape.

1 H. 7. 6.

If one do rescue him that is arrested for the Felony, he is a Principal Felon, and not an Accessary.

§. 8. Rescous.

Stamf. 43. c. 12 Aff. 69. 9 H. 4. 41. Stamf. 43. b.

Receiving or buying of stolen Goods, knowing they were stolen; maketh not a Man Accessary to the Felony, unless he receiveth also (or aideth) the Felon himself; yet Mr. *Crompton* maketh a *quere* thereof, and alledgeth some Cases to the contrary. See *Crompt. fol. 41, 42, 43.* But it was adjudged, *T. 44 El. B. R. Dawson's Case.* That it maketh no Accessary; *Telwert. pag. 4.*

Buying Stolen Goods

But herein there seems a difference between a Buyer, being a stranger to the Felon, and who for valuable consideration shall buy such Goods; and a Receiver or Buyer who is an adherent or companion to the Felon, or that by Covin shall receive or buy such Goods. See the Preamble to the Statute 2 & 3 Ed. 6. cap. 24.

Crompt. 43

A Man buyeth stolen Goods for five shillings, which are worth twenty shillings, this maketh the Buyer an Accessary, by the opinions of Mr. *Crompt.* fol. 43. and of Sir *Nich. Hide* in his Charge at Lent Assizes at Cambridge, 1629. For it may well appear by the price, that the Seller came not truly by them; and therefore it is safe to lay hold upon such Sellers as shall sell any thing at any great undervalue.

Br. Cor. 122. Lamb. 282 Crompt. 37. 41. 42. P. R. 131. Terms of the Law, 184. Dyer 50. Fitz. Cor. 363.

A Man pursueth and taketh a Felon that hath stolen his Goods, and then taketh his Goods again, and suffereth the Thief to escape: He is no Accessary thereby, (by some Opinions) for he may *in initio agere civiliter, or criminaliter*, at his pleasure, as Mr. *Bracton* writeth, *Stamf. 28. Quere tamen.* For Mr. *Stamf. fol. 40.* and Mr. *Finch lib. 2.* say, That if he take his Goods again from the Felon to favour him; this is Theft-boot, (the punishment whereof in ancient time, was of Life and Member, though at this day it be punishable only by Ransom and Imprisonment.) And yet by some it is holden to be Felony at this day. The like seemeth to be, if he take his Goods again from the Felon, and then favoureth him, and letteth him go. See *the Mirror of Justices, lib. 2. & Fleta, lib. 1. cap. 27.*

§. 9. Taking again Stolen Goods.