

Justice of Peace, &c.) until the Principal be attached and attainted. See *Westm. 1. cap. 14.*

But though the Accessary in Felony cannot be proceeded against, until the Principal be tried, yet if a Man upon subtilty and malice, set a Madman by some device to kill another, and he doth so; now for as much as the Madman is excused, because he can have no will or malice, the Law accounteth the Inciter as a Principal, though he be absent, rather than the Crime shall go unpunished. 33 *Eliz. Ba. 57.*

And if the Principal be attainted, though erroneously, that shall not avail the Accessary, but he must answer, &c. *Co. 9. 68. b. & 119.*

If the Principal die before he be attainted, or if the Principal be found not guilty by Verdict, or be found by Verdict that he slew the other in his own defence, or if after Conviction by Verdict, Confession or Uttery, and before Judgment, he hath his Clergy, or getteth his Pardon, the Accessary in all these Cases shall be discharged: But it is not safe for the Justice of Peace to discharge such Accessary out of Sessions.

A Man killeth another *Se Defendendo*, or by Misadventure, and it is so found upon his Trial; the Accessary shall be discharged. For that in these Cases the Principal shall not have Judgment of Death. *Et omne Accessar. sequitur summ Principale.* See *Br. Forf. 13.*

Rules concerning Felony. C H A P. CLXII. V. 109.

IF a Man committeth Felony in the time of one King, he may be charged and arraigned for it after, in the time of another King.

If a Man do commit Murther, steal Goods, or do any other Felony in one County, and then flieth into another County, and is taken there, and brought before a Justice of Peace there, he shall be (by the Justice) imprisoned in the Gaol in the County where he is taken; and after shall be removed by the Kings Writ into the Gaol of the County where he committed the Felony. But for those that do inform against such Felons, the said Justice shall bind such Informers over to appear, and to give Evidence against such Felons, at the next General Gaol-delivery, to be holden in that County where the Tryal of such Murther or Felony shall be; whither also the said Justice must certifie such Information taken by him.

If a Man committeth a Robbery, or stealeth a Horse, Beast, or other Goods in one County, and doth carry, lead or drive the Goods into another County, it is felony in every County, whither he doth carry or drive those Goods, and the Offender may be indicted or appealed of felony or theft, and arraigned, and have his Judgment in any of those Counties: But the Offender cannot be appealed or indicted of Robbery, but only in the County where the Robbery was done; for it is not Robbery in any other County; for Robbery must be done to the person of a Man. *Br. Cor. 140. & Indictment 26.*

If a Man do steal another Mans Goods, and after another stealeth the same from him, the Owner of the Goods may charge the first or second felony at his choice. *Double.*

Also if a Man shall deliver Cloth to a Tailer to make a Garment, if the Cloth be stolon from the Tailer, the Offender may be charged and indicted for stealing the same, either at the Owners Suit, or at the Tailers.