

all principal here, therefore there is a reversal of the scene; if you are satisfied that these soldiers were there on a lawful design and it should be proved any of them shot without provocation and killed any body, he only is answerable for it. 1st Hale P. C. "Although if many come upon an unlawful design, and one of the company kill one of the adverse party, in pursuance of that design, all are principals: yet if many be together upon a lawful account, and of the company, kill another of an adverse party without any particular abettment of the rest to this fact of homicide they are not all guilty that are of the company but only those that gave the stroke or actually abetted him to do it. In the case of a riotous assembly to rob or steal deer, or do any unlawful act of violence there the offense of one is the offense of all the company. The Lord Dacre and divers others went to steal deer in the park of one Pelham—Raydon one of the company, killed the keeper in the park; the Lord Dacre and the rest of the company being in the other part of the park. Yet it was adjudged murder in them all and they died for it. And he quotes Crompton, 25. Dalton, 93, p. 241." So that in so strong a case as this, where this nobleman set out to hunt deer in the ground of another, he was in one part of the park, his company in another part, yet they were all guilty of murder. The next is Hale's Pleas of the Crown, I. H. H. P. C. 440. "The case of Draton Bassit, diverse persons doing an unlawful act, all are guilty of what is done by one." Foster, 353, 354. "A general resolution against all opposers, whether such resolution appears upon evidence to have been actually and implicitly entered into by the confederates, or may reasonably be collected from their number, arms or behavior, at, or before the scene of action, such resolutions, so proved, have always been considered as strong ingredients in cases of this kind. And in cases of homicide, committed in consequence of them, every person present, in the sense of the law, when the homicide hath been committed hath been involved in the guilt of him that gave the mortal blow." Foster. "The cases of Lord Dacre mentioned by Hale, and