

know he was Constable, and that he came to keep the Peace; otherwise 'tis no more than Manslaughter.

All who are present and assisting a Person arrested, if the Officer is kill'd, and they knew the Person was arrested, are Principals in the Murder.

Several came to rob a Park, and one of them kill'd the Keeper; 'tis Murder in all of them, tho' they were at some distance when the Fact was done, because they came into the Park to do an unlawful Act, and for that reason Malice shall be implied.

But in these Cases following, 'tis but Manslaughter.

§. As if the Officer is doing any thing which is not warranted by Law; as if he open a Window or Door to arrest a Man, and is killed, 'tis only Manslaughter.

An Officer had a Warrant to arrest the Defendant *A. B. Knight*, and he was not a Knight, but a Baronet, and the Officer was killed; this is Manslaughter, because he had no Authority to arrest the Baronet, for his Warrant was illegal; but if there is only a Mistake or Error in the Process, 'tis otherwise.

A Collector of the Chimney-Money distrain'd a Silver Cup for the Duty; and the Maid-servant, in the Absence of her Master, hindred him from carrying it out of the House, for which he beat her against a Post and killed her; this was held Manslaughter.

Several Owlers had loaded Wool in order to transport it, which was against Law for them to do; they were opposed by the King's Officers in the Night-time, and one of the Owlers shot off a Gun and kill'd one of his own Company;