

So where one bought Poison to kill another, and a third Person eat it, 'tis Murder.

Two or more come to do an unlawful Act, and one of them killed another, 'tis Murder in both, if abetting, or ready to abet ; but then he must know of the malicious Design of the other, and the killing must be in Pursuance of that unlawful Act ; and not only so, but it must be done deliberately ; for if upon a sudden *Affray* 'tis only Manlaughter.

Besides, the unlawful Act ought to tend to the Hurt of another, either immediately, or by consequence ; As where Persons assemble in a riotous manner with offensive Weapons, and one is killed, 'tis Murder.

Two having Malice fight, the Servant of one of them not knowing the Malice, killeth the other, this is Murder in the Master, and Manlaughter in the Servant.

One commands another to kill a third Person with a *Sword*, and he killed him with a *Gun* ; this is Murder in the *Person commanding* ; but if by Mistake he had killed another, and not the Person whom he was commanded to kill, then 'tis Murder in the Person killing, and he who commanded the killing the third Person, is not so much as Accessary.

If one command another to beat a third Person, and he doth it so that Death ensueth, 'tis Murder in him, and the Person commanding is Accessary to it.

In some Cases the Crime is aggravated by the Quality and Condition of the Offender ; As where a *Maid-servant* and a *Stranger* conspired to rob the Mistress, and in the Night-time the *Servant* let the *Stranger* into the House and lighted him to her Mistress's Bed, where he killed her ; the *Servant*