

vant only holdind the Candle; this was adjudged Murder in the Person who did the Fact, and Petty Treason in the Servant.

So where the Wife and her Servant agreed upon a Time and Place to kill the Husband, and the Servant alone in the absence of the Wife did the Fact; this is Petty Treason in both; but if he had been killed by one who was not his Servant, the Wife should be hanged and not burnt, because she cannot be guilty of *Petit Treason*, where the Principal is only guilty of *Murder*.

By a Statute made in the Reign of King James I. 'tis enacted, That where a *Bastard-child* should be concealed, it should be taken to be born alive, and if 'tis dead, it shall be adjudged to be murdered.

So that by this Statute *Concealment* is made the Crime, and an Evidence that the Bastard was murdered.

Now if a Woman with Child of a Bastard, and going well to Bed is taken with travailing Pains in the Night, and knocks for some body to assist her, but is delivered without any help, and then puts the Child in a Trunk and conceals it for a Day, if there is no Sign of Hurt on the Body, 'tis not Murder within this Statute, because by her calling for some Assistance she had no Intent to conceal it; and there being no visible Hurt, it shall be taken that the Child was dead-born; but if there had been an Intent to conceal it, then 'tis Murder tho' the Child was not born alive.

Of Manslaughter.

Manslaughter is the unlawful killing of a Man upon a sudden Provocation in the Heat of Blood, and without any Malice.

By