

By this Definition it appears, that ther must be no deliberate Act, but it must be a *sudden Falling out*; and the Act which they are about, must be unlawful; for if 'tis lawful and Death ensues, then 'tis only *Chancemedley*.

A *sudden Falling-out* is where two Men fight and one of them breaks his Sword, but a Stranger immediately lends him another, with which he kills his Adversary; this is Manslaughter in both.

Two fight and are parted, but immediately meet again and one kills the other; this is only Manslaughter, because it was a continued *Affray*.

If there is Malice between two and the Deceased challenged the other, who refused to meet, but said he should go to such a Place, where the deceased met him and was kill'd, this is Manslaughter.

Where a Man entered an House with Force, and those who came to take Possession set it on fire, and he who was within shot and kill'd another without; 'tis Manslaughter, because his Entry was unlawful.

A Servant draws his Sword in Defence of his Master, and in the Quarrel the Master is kill'd, 'tis Manslaughter in the Servant.

A Prisoner in Execution for Debt escapes, and the Keeper coming to the Place where he was, kills him, either in pursuing or resisting him; 'tis Manslaughter.

Unlawful Acts where Death ensues are many; I shall instance in a few: *Playing at Foils, throwing Stones, shooting at Deer* in another Man's Park, *forcibly Entering and Ejecting another*, and such like, are unlawful Acts, but without any malicious Intent to kill any one; and therefore where Death ensues in these and such like Acts, 'tis only Manslaughter.

Bailiffs