

Bailiffs coming to serve an Execution, and the Debtor having notice of it shuts his Doors, which the Officers break open, and one is kill'd; 'tis only *Manslaughter*, because the Breaking the Door was unlawful: The Offender hath the Benefit of his Clergy the first time, but forfeits his Goods and Chattels.

Of *Chancemedley*.

T*His is where a Man is kill'd by another, casually, when he is doing any thing which is lawful, and without any Intent to do Hurt; As shooting at a Bird is a lawful Act, and if in such case a Man is killed, 'tis only Chancemedley; and so 'tis where a Father corrects a Son or Servant, and Death ensues.*

A House was building at some distance from the High-way, and one of the Workmen being about to throw a piece of Timber from the House, called out, *Stand clear*; the Timber fell upon one of the Labourers, and kill'd him; this was held *Chancemedley*, for he was doing a lawful Act, and had no Intention to do any Hurt, because he gave Notice what he was about to do; but if it had been in the Streets in *London*, or any other great City or Town, it had been *Manslaughter*, because of the continual passing of the People; but in this case the special Matter must be found, that the Court may judge whether the Killing was by Misfortune, or not; for 'tis not sufficient to find it generally.

My Lord Coke tells us, there is no express Judgment in *Chancemedley*, but the Offender forfeits his Goods, and hath a Pardon of course, which is obtained by a Certificate of the Judge to the Lord Chancellor, who thereupon issues out a Pardon.

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