

Stamf. 10. A Servant that is departed, out of service, and a Year after killeth his Master, upon malice conceived when he was in the said service, it is Petty Treason, *Br. Treas. 151. 33 Aff. 1. 7. Co. 1. 99. b.*

Cromp. 19 20. a. A Servant doth procure another to kill his Master, who killeth him in the Servants presence; this is Petty Treason in the Servant, and Murther in the other. See *Pl. 100. a. & Br. Coro. 119. & quere.*

Dyer 228. But if the stranger doth kill the Master in the Servants absence, then the Servant is only accessory to the Murther, but it is no Petty Treason in him.

Dyer 128. A Servant conspireth with a stranger to Rob his Master, and at a time appointed in the night, he letteth in the stranger into the House, and leads him to his Masters Chamber, and the stranger killeth his Master, the servant standing by but saying nothing, this is Petty Treason in the servant, and Murder in the stranger: yet by some, this is but Murther in the servant; *Ibid. & 40. Aff. Br. Cor. 119.* For where the principal is but a Felon, the accessary cannot be a Traytor. See *Pl. 100. a.* that the servant is a principal in this case, and after, *tit. Accessary.*

Cromp. 20 A servant commands one to beat his Master, and he killeth him, this is Petty Treason in the servant, if he be present.

Cromp. 20 A servant upon malice prepensed, shooteth at a stranger, and misseth him, and killeth his Master being by; this is Petty Treason in the servant; (though he intended no hurt to his Master, yet) because he intended Murther thereby.

Br. Treas. fol. 3. cap. 2. The Wife maliciously killeth her Husband, this is Petty Treason, *25. Ed. 6. 3. The wife.*

The Husband maliciously killeth his Wife, this is but Murther.

The reason of this difference, is, for that the one is in subjection and oweth obedience, and not the other.

Dyer 332. The Wife and a Servant do conspire to kill the Husband, and the Servant killeth him in the Wives absence; this is Petty Treason in them both.

Dyer 1b. The Wife and a stranger do conspire to kill her Husband, and he killeth her Husband in the Wives absence; this is no Petty Treason in the Wife, but Murther in the stranger, and she shall be hanged as accessary to the Murther.

Cromp. 20. a. Also where the Wife or Servant procuring, conspiring or practising such Murther, at the time of such Murther is in the same house, though they be not present thereat, but are in another Room, yet it is Petty Treason in them, as it seemeth by two cases reported by Master *Crompton* in *4 & 5 Mar.*

Pl. 474. Co. 9. 81. The Wife poysoneth a thing, to the intent to poyson her Husband therewith, the Husband eateth of it, and becometh very sick thereof, but recovereth, after a stranger eateth thereof, and dyeth thereof, this is only Murther in the Wife. See more in the title of Murdef

Crom. 20. The Wife poysoneth an Apple to the intent to poyson a stranger therewith, and layeth it to that purpose in a secret place, and the Husband by chance eateth of it, and dyeth thereof within a year and a day, this is Petty Treason in the Wife, for that she intended Murther thereby.

Cromp. 20 The Wife poysoneth an Apple or other thing, and delivereth it to B. (knowing nothing of the poyson) to give to C. and B. giveth it to the Husband, (without the assent of the Wife) who eateth thereof in the Wives absence, and he dyeth thereof, this is Petty Treason in the Wife.

And yet if A. lay impoysoned fruit for a stranger, being his Enemy, and his Father or Mother come and eat it; Sir *Fr. Bacon* maketh a *quere* whether