

18 Eliz. 7. P.Fel. 14. But unlawfully and carnally to know and abuse any Woman Child under the age of ten years, is felony; although such Child consents before; *Gramp. 47.* and the Offender shall have no benefit of Clergy.

13 Aff. 6. Br. Cor. 77. Stamford. 94. Cromp. 35. Also to take away a Mans Wife with the Goods of her Husband, whether it be against her will, or against her Husbonds will, seemeth to be felony by the Statute of *West. 2. cap. 34.* the words thereof are, *De muliere quae abducta est a viro suo, habeat Rex scilicet de bonis sic*

2 Cor. 4. 35. Stamford. 27. But if the Wife take her Husbonds Goods, and so goeth away voluntarily with another Man, and with those Goods, or delivereth those Goods to another Man, these two last cases seem not to be felony.

If any Woman be delivered of any Issue of her Body, Male or Female, which, if it were born alive, should by the Laws of this Realm be a Bastard, and that she endeavor (privately) either by drowning, or secret burying thereof, or any other way, so to conceal the Death thereof, that it may not come to light, whether it were born alive or not; but be concealed; in every such case, the said Mother so offending, shall suffer Death as in case of Murder, except she can prove that the Child was born dead, 21 Jac. cap. 27.

§ 29. Bastards.

Now the Mothers proof that her Child was born Dead, must be by Witnesses: And therefore, if the Mother will call for no help at the time of her Labour, but secretly be delivered, and then the Child be found Dead, it is a strong presumption against her, that she murdered it; and the rather, for that it is a received opinion, That if the Child were Dead in her Body, she could not then be delivered without the help of some others. Which opinion, notwithstanding some worshipful and grave Matrons have denied, and that of their own knowledge.

If any in the night time, maliciously or willingly burn, or cause to be burned or destroyed, any Ricks or Stacks of Corn, Hay or Grain, Barns, other Out-houses, or Buildings, or Kilns, or kill or destroy any Horses or Sheep; it is felony, 22 & 23 Car. 2.

§ 30. Burning.

If any Person that shall be Convict or Attaint of that felony to avoid Judgment of Death, shall elect to be transported to any Plantation, Judgment shall be entred, That he shall be transported, and there remain seven years; and the Sheriff shall convey him, and imbarck him for Transportation: And if he return within seven years, he shall die as a Felon, 22 & 23 Car. 2.

If any Person shall in the night time, maliciously maim, wound or hurt any Horses, Sheep or Cattle, whereby the same are not utterly killed or destroyed, or shall destroy any Plantations of young Trees, or throw down any Inclosures, he shall forfeit treble damages to the party grieved, to be recovered by an Action of Trespas or Case at Common Law, 22 & 23 Car. 2.

Upon Complaint, any three Justices of the Peace (*Quorum unus*) may inquire by the Oath of twelve Men, and by Examination of Witnesses, or other ways, as they shall think fit concerning Offenders, and may issue out Warrants for summoning a Jury, and for apprehending the parties; and to take their Examination, and to call all such persons as are likely to make discovery, and to examine them upon Oath; so as no person so examined, shall be proceeded against, or convicted for such Offence, touching which he is examined, and shall make a true discovery.

And if any person, thought likely to make such discovery, shall refuse to appear, on to be examined, he shall be sent to the Gaol without Bail, until he shall submit to be examined, 22 & 23 Car. 2.

None

1 E. 1. 34. Fel. 14. R. 2. c. 6.

Stamf. 22. rom. 100

Brit. 55. Stamford. 24.

5 E. 4. 6. Br. Parl. 55.

Stamf. 24.

Cromp. 47.

3 H. 7. 2. P. Fel. 16.

4 & 5 Ed. & M. P. Women 7. 8. Sec Co. 3. 37. &c.