he was found dead next Morning, or her leaving and Ex-
posing her Child upon the Road in the Night time which
was found dead next Morning, separatim Relevant to sup-
the Libs. pains of death and Confiscation 23 July 1722 Helen M
for, How it was sustained Relevant to infer the pain of death
Hi. against a Mistress, that her apprentice of about 12 Years
of age boarded in her house falling sick thereof, was when
sick carried out, by her with the assistance of her Neigh-
bors and laid in the street Exposed to hunger and cold whe
the Apprentice died that same Night. And it was found R
levant to infer an Arbitrary punishment, that the said
Apprentice was carried dead out of her house and laid upon
the Street 10 April 1699 Elizabeth Cay. If an Infant exposed
in a place of Much Resort, to the end that the public Magis-
trate or some tender hearted Christian might take it upon
pose to its Maintenance, frequent to pass the third watch be-
fore any found to its Relief, the exposer is liable to an Ar-
bitrary punishment, Cherpzov. Decid. n. 108 & 11. Nam quæ
per Accidens evenient ex Corpore Alienigenæ, non imputan-
tur agente. And Verius in Illicito, it is an Injuria Alterius by
for the Immediate and Necessary Consequence of Child
Exposing an Infant is punishable Arbitrarily, the child be
found and taken up alive and saved L. 2 C. de Infant. Expos.
Nov. 153 cap. 1 Jul. Clar. Stina. quæst. 83 n. 7 Carpzov.
Decid. n. 15 & Legg. Which punishment may be aggravated
or Mitigated according as the particular circumstances appear to
be More or less Criminal from the Nature of the place
where the Child was laid, or other Circumstances. Child
a Woman for Exposing her living Child naked as it
came into the World Among the growing Corn immedi-
ately after the Birth, was Rejudged to be Whipped
and then to be Carried to the Correction house to labour
there till Disposed of by the Magistrates 20 & 21 De-
cember 1703 Mary Graham. Where the parents of an
Exposed Child that is taken up alive, cannot be Disco-
vered, the Maintaining and bringing up that Child
is incumbent upon the Supreme Magistrate before
whom

who in the Crime of Exposing Children is Competent to
be tried. Carpzov. Decid. n. 27.

The Doctors Commonly held that the Destroying a
living Child in the Mother's belly by occasioning her to Mis-
carry is punishable by death: and that the procuring
Miscarriage of an Animated Embryo is Capital or by Sodan
Arbitrary punishment L. 39 Ff. de pœnis C. 4 Ff. de Lege
Corn. de Sicariis & L. Cornelia de Sicariis. Prosp. Farinacius de Homi-
cidio Quæst. 122 n. 134. 137. Carpzov. Crim. part. 2 quæst. 11 n. 2.
Innocent. 4to. vers. part 2 Consil. 4 de 1. 2 and they presume
the Child was quick & Prosp. Farin. Decid. n. 136. Unless the
offender prove the Contrary, which is Hard to be possible to do
the Author of the Miscarriage (whether it was the Mother
or the Father or a Stranger) by taking or giving a potion or
using outward Violence to the Woman's Bowels, is equally
guilty Carpzov. Decid. n. 8 & 9 pag. 7 Inquirin. Liquidem est Num
qui separatur ante Vitam Nocere L. 59 ff. de Verb. in prof. Mell.
et filius in Utero pro jam Nato et Homine habetur, si
de quis commodis agitur L. 7 Ff. Stat. Hom. Children when
Mothers Wombs are Considered in what over Concerns their
advantages, as if they were already born; because of the equal
that they will be born alive. Blind where a Woman with
the knowledge and Consent of a Man took a poisonous Child
drink for Destroying a Child in her belly gotten betwixt
them in Adultery; both were adjudged to be hanged 20 De-
cember 1627 Patrick Robison and Marion Kempsdy. The
Doctors are much Divided in their opinions about the time
when a Child begins to live. Some will have it to be 40
days in a Male Child, and 90 in a female after the Woman
Conceives, Monochius de Arbitris Jud. Quæst. lib. 2 cas. 357
n. 3. others Reckon a Male Child to have life in 30, and
a female in 40 days after the Conception Int. Tosanus
Consil. 12 n. 12. Hollind. feel will have a Child whether
Male or Female to live after the 80 day, Damhouder Crim.
cap. 74.