

churches after it was first made, when not well known to the Generality of people, the Reason of such publication is still now when the law hath been sufficiently notified by Criminal Sentences, and Execution past in a tract of many Years, 2^d It is presumed that the law was read as it directs: According to the Maxim, omnia pro sumuntur solenniter acta. Doubtless for the purpose the Statute makes such publication necessary to inform the Crimes and the Laws concerning Crimes directed and positively provided, which every one is presumed to know, require no special promulgation; yet those inferring a Crime by presumption, should be specially intimated to the Judges, that they may be on their guard and avoid the punishment, thereby enacted. 2^d The Proviso omnia prosumuntur solenniter acta holds only in civil and not in capital cases. The Lord Rappold the Tannell defenced, March 1715 Elizabeth Broock, a child bearing the Tannell concealing her being with child during the whole space and not calling for help in the Birth, and the child being found dead or smothering, was found Relevant to infer the pain of death. Albeit it was pleaded for the pannell, that it ought to be libelled, that the child was brought forth in full time, being Generalment for the whole space if a birth happened after a Month or short time pregnancy before the Child was Animatus or had life, could not be expected to be proved punishment. In Rejoinder it was answered, that the Statute doth not Notice whether the Child was born to the full time or Not, but only if it was a living foetus and a Child may have life the the Mother hath not gone Nine Months with it. Rejoinder it is hard by possible to distinguish whether a dead child was come to Maturity or not, and simply impossible to know that a child was born at the full time. So that if the whole space in the Statute was understood of the whole ordinary space of Nine Months, the Design of the law would be lost appointed March 1715 Elizabeth Johnstone.

The Woman concealing her pregnancy during the whole time of her going with Child, bringing forth without calling for help, and the Child being found dead or smothering, must jointly concern to infer this presumptive Murder: And the Tannell may have plea to her self from the pain of death, either upon her concealing that she was with Child, or calling for help at the Birth, or upon the Child not being ripe and come to the full time. But this plea is not sustained to establish her simply, but only from the pain of death; for she wants not withstanding that plea to be taken an arbitrary punishment. Shew in a trial for presumptive Murder of a Woman convicted upon the act of seducement, the Defences of the Tannell having Reasoned her being with Child March 1715 Elizabeth Broock & Decem^r 1715 Margaret Alexander & August 1715 Margaret Good & 1715 Elizabeth not being brought to the full time 1715 Decem^r 1715 Mary Neal & August 1715 Margaret Good & 1715 Margaret relevant to Restrict to an arbitrary punishment. Shew in a trial for presumptive Murder and a Plea pleaded to Restrict the Crime to an arbitrary punishment, that the pannell called for and made use of a Plea stated in the Bill, March 1715 Elizabeth Broock or that she brought forth the Child during the time of her being in a high raging fever, when she or other persons not her own friends, lion, or was incapable to call for the assistance of Physicians. Albeit it was pleaded for the pannell, that the presumption first arising from the not calling for help, which is a Negative proofing it self, could not be taken off by proving an accidental fact, not only by the Direct proof of the calling for help, March 1715 Elizabeth Johnstone. It was shewd to subject a Person who had born a Child to an arbitrary punishment, that she called not for assistance at the Birth, tho she was present in the house with her, and the child came to Maturity was found dead and wrapped in old clothes in a timber box this beneath her bed 19 Decem^r 1701 Janet Riddle. The Defences that the pannell told several persons of her being with Child without mentioning the way and manner of concealing, or the persons to whom she