

Or being found in the place with false keys or Instruments for breaking up doors at a reasonable time for committing such an Unlawful Action; or Carrying that way from being Vnder his Garment out of the house where the goods were taken; or willingly flustering the thieves or Rascals the Ghosts; or the being owner of a ladder set to the Window of the house Robbed, and loaded with other Concurring ground of Suspicion. The Presumption of Wilfull fire Raising is gathered from the secret preparing of Fowls, fire-bricks, Squibs, and other Bomb-able matters a little before the fire broke out by a suspected person, fortified with other Circumstances; Unless he can Demonstrate Clearly, that his provision was made for a lawful End. The finding pieces of false coin or Boiming Instruments in the Custody of one who bears not a very good Reputation, is a ground to question him as a false Coiner. The Proper Indicia of Adultery, as the parties being shut up in a Close Room, the Marriage bed loos'd and the workmans Rapsing, to open the door, Love letters found upon either Importing that they had Carnal Converse together; walking in a wood or other private place with another mans wife, and kissing and Embracing her in a Wanton Manner; or the being found in the house of a man who had a fair wife; or the accused haunting it night and day. Which presumptions are the Stronger, if the wifes husband was a true Manell absent from her; or not in a Condition for so long the Bodily Infirmitie to pay due benevolence to her, who with Infirmity proved with Child. And Confession that he had tempted to lie with another Mans wife, is a sufficient ground to get out of him by Torture a Confession if he truly professed his wicked Design: because the presumption lies against those who forsake in flight. But a persons Confessing the guilt of Adultery with another who denies it, is not sufficient without other Circumstances to put the Denial to the Torture. Because simple Oath ought not to be given to a Criminal Accuser. The strongest and surest Indicia for Subjecting

to Torture upon Suspicion of Adultery is the being found in the Act of Copulation with another mans wife; for that in re, is not an Infallible Argument, that the Adultery was Effected and Consummated *Immisione fornicis*. It is hard, in the Olden time Crime of Sorcery to determine what Indicia are sufficient to Exort Confession by Torture. The ordinary presumptions are, the offering to teach others the way of Charming and Enchanting; Menacing to Harm or Inchant others, who were afterwards such-and-such; haunting frequently and familiarly with real and Convicted Witches; having Instruments and Signs of Witchcraft about themselves as pots filled with Gods, members of some humane body; a book of Magic, or a signed Compact with the Devil; or the using Charms by Jawsling, or talking with them, or Ghousing dust upon a head of Swine that Immediately there after did perish &c. But these presumptions are not sufficient per se, Unless fortified by the foregoing adminicles of foul fame, Delation of Witches &c. The Indicia from a Witches swimming and not sinking when thrown into the Water, is not sufficient, as not being founded upon any Natural Reason which a ground of Torture ought to be. The Quality or sufficiency of the General Rules aforesaid for putting to the Torture, is referred to the Discretion of the Judge, who is not to Act in that Matter Arbitrarily, but according to Law and Right Reasons Remote Indicia cannot be a ground for Torture, Unless more of them Concur: but one Certain or Immediate presumption is sufficient for that End. Any Indicia is too inarily probable by two witnesses. And altho sufficient Indicia be furnished, the Judge is only to proceed to Torture when the suspected person cannot take them off by Contrary Evidence. Such as, that he the night when the Crime is said to have been Committed slept soundly, and when he might have made his Escape did not stir a foot, or Willingly presented him self to the Judge, or surrenderd himself prisoner; or that no Accusation was raised against him tho in the same place for a long time after Commission of the Crime; or that the witnesses did out of the Judge dont Revoke their Testimonies. All