

upon the Book, look upon the prisoner, and hear her to Your Oath: You shall Diligently Enquire, search and Enquire, what E. L. now prisoner at the Bar, is with quick child or Not, and thereof give a true Verdict, according to the Best of your Skill and Knowledge. So help you God. Kiss the Book. This is to proceed till the twelve are sworn as aforesaid. This being done the Clerk bids the Esquire swear a Bailiff to keep the Jury of Matrons true: You shall well and truly keep this Jury of Matrons without Drink meat fire or Candle, you shall not suffer any person but the prisoner to speak unto them, nor you your self, unless it be to ask them whether they are agreed of their Verdict, so help you God kiss the Book. But if the Bailiff be sworn in the Night time the word candle is omitted out of his oath. This officer takes the Jury of Matrons to some convenient private Room, and the Goalor carries the prisoner to be Inspected by them. The Matrons having duly searched and Inspected the prisoner, and agreed of their Verdict, they and she must be brought again into the court. Where the Clerk says to the Matrons, you good Women of the Jury of Matrons answer to your Names, and having called them every one by her Name, and they made answer, he asks them, if they be agreed of their Verdict: If they say Yes, he asks, who shall say for you? they answer the forewoman. The prisoner is then called to the Bar, to whom the Clerk says, E. L. hold up thy hand: You of the Jury of Matrons look upon the prisoner: how say you, is E. L. with quick child or not? If the forewoman answer and say, she is with quick child, the Clerk adds to the Entry over the prisoners Name upon the Indictment, Jur. Matron. Dicunt quod est pregnant. And then says: You of the Jury of Matrons hearken to your Verdict as the Court hath Recorded it: You say E. L. is pregnant with quick child and so you say all. Who upon the Court Court of Reverence to God, and that the child in the Belly may not suffer for the Mothers Crimes, orders the

The request of the officer that is to make the examination is by Law at the time of the trial placet. Cor. vol. 2. pag. 410.

the said E. L. to be Recommended to Goal, there to remain in safe Custody of the Sheriff of the county aforesaid, until she be Delivered. But a Woman cannot Demand such Redpit of Execution by Reason of her being with quick child, more than One. Nor shall she have any More than one Reprieve, the more again with quick child Coke 3 Just. 18. Hale pl. Cr. 272. Item kind pl. Cr. lib. 2 chap. 51 § 9. If the forewoman of Matrons answer and say, that E. L. the prisoner is not with Quick child the Clerk adds to the former Entry of Judgement over the prisoner Name upon the Indictment, Jur. Matron. Dicunt quod non est pregnant, and says, You of the Jury of Matrons, Hearken to your Verdict as the Court hath Recorded it: You say that E. L. is not pregnant with quick child, and so you say all. Then the Clerk bids the keeper take the prisoner from the Bar, and look to her, she stands Attainted of high treason.

The Execution of persons Attainted must be done by the Right officer, and it is felony in any other person to execute the offender Coke 3 Just. 217. 1 Just. 128. b. Hale pl. Cr. 35. Item kind pl. Cr. lib. 2 chap. 51 § 6. In case of life and death Execution must be done by the Sheriff &c. upon a precept of the Judge the doer his seal. Execution must proceed in the terms of the Judgement. Thus if the Sheriff alter it, as if he burn or behead in stead of hanging, or converse hang in stead of burning or beheading; Law Constrains the Sheriff to be an Act of malice and down Right Murder, Coke 3 Just. 52. Hale pl. Cr. 36. The Lord Coke (lib. 52. 212) And for Matthew Hale (lib. 272) thinks, that the King may Dispense with part of the Execution, and so may Redress a sentence of high treason to behead which is a part of it: but that his Majesty cannot order a Criminal attainted of felony to be beheaded, because his Express Judgement is to be hanged till he die. But it is well known that the foreword doth often not only Redress the sentences of persons of quality attainted of treason to beheading by a pardon under the great Seal, as to the cruel Circumstances