

of which 2 Sam. 12. 10 And the Dogs lick'd the Kings Blood  
in the same place where they lick'd the Blood of Naboth  
i Kings 21. 19. 22. 38. You in the opinion of some Lawyers,  
the Dignity of a Murderer doth aggravate his Crime, be-  
cause of the Malignant Influence of his Example  
upon others N. 9. l. 8. & 8. de Episc. & Cler. For some  
Laws forbids a Murderer to be a Priest or a Clerk  
Seyntal. c. 10. l. 40. But then Arbitrary punishments  
are allowed to be Mitigated according to the quality of the  
offender, Giraguel. 20. parit Gomp. c. 11. n. 34. & 35.  
And according to the Roman Law, a Man guilty of Homicide  
is only to be degraded from the sacred order, and thrust  
into a Monastery, c. 20. x. de Jurisdictione, the King doth equal-  
ly punish persons of all Ranks and Conditions, <sup>and</sup> <sup>without</sup> <sup>distinction</sup> <sup>of rank</sup>  
their Crimes, by punishing the same punishment for the  
death of any Rational Creature we think Distinction be-  
tween a Murderer and a Murderer is  
§ 2. Par. 2. c. 10. l. 40. For Nature of Commis-  
sion is in the Accident, and at the same time (de Off. 291)  
lays, Nullus est tan. Vile criminis Reus, sed non  
Mansuetus. c. 10. l. 40. And in the Statute of  
§ 1. c. 10. l. 40. (c. 10. l. 40. n. 7) in regard against the policy of  
of taking satisfaction in Money for the Killings of the  
poor sort called Rindhones.

Homicide is aggravated, 1<sup>o</sup> by the cause of it, if done  
of self defence or Solitona 10ly, or by treachery, or in prospect  
of gain, 2<sup>o</sup> by the quality of the person killed, when  
Respect and Dependence or Love was due to him by the offe-  
der. 3<sup>o</sup> By the place where it was committed, when a por-  
tion of it is in his own Church, or in the Church. But  
homicide, is not like other Crimes, aggravated by the time  
when committed as if done Under Night, or Upon  
Sabbath, or a Holiday, Cap. 20. c. 10. part 1. § 29. n. 52  
& page 41. This Crime is aggravated by the quality of  
the fact, 1<sup>o</sup> When one is killed with repeated blows  
or wounds. 5<sup>o</sup> By the quantity, when one stands charged  
with several Homicides. A Judge should Mitigate the  
indignity of Homicide so when it is committed  
in Retaliation at a tumult, and deemed to be certainly  
known

known who truly killed. 2<sup>o</sup> When a person wounded hap-  
pens to die, or Male Regimine, thro' Distraction, Lining, or other  
ways, tho' the wound given him was not deadly. 3<sup>o</sup> When  
one kills another Rashly, or in self defence without any  
formed Design against his life. Thus Defense that the  
Killer had no Design to do so great Mischief, being a No-  
gative, can be raised by presumption only, as if that  
there was no former hatred or Enmity betwixt the parties, Me-  
lonzie Crim. part 1. tit. 11. § 11. 2<sup>o</sup> That they were Kindred  
or Intimate, Melonzie ibid. c. 17. That the Killer struck  
with a Staff having a sword at his side, De pp. Par. in  
de Homicid. Quast. 126. n. 126. 22 February 1711. Buriall  
of our Kings and for not Lodowick Melonzie ibid. for having  
a sword or Pistol, Struck with the butt of his sword  
or head of his pistol. Melonzie ibid. 4<sup>o</sup> That the Homicide  
is rather presumed than forcible, though Melonzie  
ibid. Homicide may be divided into wilful, & Voluntary, casual,  
and Non-offensive Homicides.

Voluntary Homicide may be perpetuated either with  
Solitona, or without Solitona, which  
is called Manslaughter, or Punyble Homicide.

§ 1.  
Of Murder and Manslaughter.

§ 1.  
Of Murder.

Murder or Murder (from Meo, a Lat. l. Word signi-  
fying really by treachery or Judicious Methods, when the  
Barbarous Latin Meo, and Meo, or if it be formed  
from the French Meo, is either of one self, or of  
another, or of another.

Of Homicide or self Murder.

The Religion of the Heathen allowed a man to rid  
himself of his sins, and to make his life as short as he pleased.  
Whence we learn that Distinction in the Roman Law be-  
twixt such as kill themselves to evade the punishment  
of Crimes, and those who do so, is that is Virtue, as if the latter  
1708