

sec 8 Committed which the said Executioner standing off by  
the said body, can touch with his sword Carpzov. Crime pun-  
Laws n. 32. If a person after he is condemned of a Capital  
Crime, shall die this self before Execution of the sentence,  
same may be Executed upon the carcass, to which person in  
absent from Committing the like Carpzov. b. apart 3 Ls 31  
n. 46. Comes 3 Tax. Refel. cap. i n. 79. Monach. A. Et. judic  
Laws p. lib. 2 cap 285.

A man who attempting to bite his self was prevented  
or restrained by another calling the Ringers where with  
he had tied him self up or drawing him out of the Water  
into which he had thrown him self before he was quite dead,  
is in the opinion of some of the Doctors liable to the pain  
of death. But if he will be allowed him to be executed only for an ex-  
ecutionary punishment, as it has been usually of such an  
felonious crime towards another; In the Case of Sir Francis  
D'Orville, Commandant of Hambleton Castle. 12 & 11. 37. Cappon Esq.  
P. C. J. C. and Mr. Montague (C. B. in part  
per 1 quare 11. 45. 6. 17. 7. Sir T. Gage M. Gen. C. (C. B. in part  
per 12. 3. 26. in part) Opin. of the Law and End a court to let it  
himself loose as it was done that lay in him to apprehendate  
it, & punisheable even with death. By the law of England  
when a Man doth so farre shamed off Humanity as to wound  
himself with a Mortalizing Designe, he is not held to be  
felof pece. Under the said written Year and Day after the wound  
<sup>Hab. post placita</sup> (See 12. 3. 26. in part) he is to be hanged (See 12. 3. 26.)  
in the place where he did the said Mischance (See 12. 3. 26.)  
as a M. st. 12. 3. 26. he falleth the authority of the other (C. B.)  
when he saith that by the law of England if a man  
wound himself mortally, the he liveth Year and Day there  
after, his good fact to the King. For by that trespas  
is not hold to be Mortals, if the person wounded survivid  
it year and day.

When all offend except Munder are pardoned, the  
Lodging and self comes not under the Execution of a Law.  
Cap. 8th & 20. Because Tongano which by the Mosaical  
Law is to be taken against the Man that slayeth, cannot  
be had against one killing himself, who offendeth only  
against the Law of Nature.

Concerning the murder of one person by another.  
Gloss and several kinds of Birch Murder, also Simple Murder,  
Murder, Garrison, Aggravation, Murder under trust, Extrajurisdiction  
or Murder and Robbery.

Simple Murder is the willful and deliberate killing of another  
with premeditated or forethought. Mr. C. L. S. says,  
Malicious killing may be either express or implied. Implied  
express, not only when a person is the subject of killing, but even  
when one is killed by another for another who was aiming  
at his life. £. 18 53. J. D. Justice. £. 45 54. J. D. Aquit. Art. 1. Article  
of Crime. §. 20. Peculiar cap. 3 n. 12. §. 13. Parson's Crim. part 1.  
qui. 5 n. 1. q. 3. 6. Fundam. Crim. part 4. Conf. 6. Cap. 12. fol.  
Clar. sentent. £. 6. 5. 6. Homicidium. So. Vols. Comm. ad Gil. I.  
ad L. Eros. C. 2. P. 2. 2. Lands. Special. £. 6. 5. 8. 9. do. f. 6. fol. 2.  
In. St. 5. 1. Hald. p. 1. 8. 6. 5. 0. 1. Franklin. p. 1. 8. 6. 1. fol. 2. p. 3.  
944848 McKenzie Crim. part 1. Cap. vi. §. 11. pro. Occid. to the  
Killer has a felonious intention tho he did not kill his victim.  
Killer had a felonious intention tho he did not kill his victim.  
It is not to be so good a tea to one charged with theft that  
he shall be good if one man instead of another gets to one  
accused of the robbery, that he gets rid of the one man &  
is for his lights upon another. A man designing to kill  
another it appears guilty whether he kill a wrong person  
or bring him to the man he did his purpose, al-  
or kill him by accident with a stroke or that directed  
against the other. Thus when a man extremely drunk  
who had received the highest provocation from one and not  
only by words but by throwing him into an audience getting  
out his sword and made a great effort to strike the provoker,  
then by an innocent accident his hand being flung him  
fell before them and was killed. It was held to be manslaughter  
relevant to free the killer from the pain of death, that  
the fatal wound was aimed by him at another although  
1724 James Parry of Penhawdon. Found guilty in a  
law & Matter both not diverted the Antebed £. 5. 0. 0.  
jurisdiction over an Unlawfull kill but did not  
make