

Comed in due time or it is only living, might have  
 tained but death *Prosp. I am in do comed in qu. 127. n. 10 b*  
 17. Glad the giving and a stroke on the head with the  
 of a Ghost whose he died about Conday after, was found  
 Relevant to infer the pain of death, albeit the person  
 travelled up and down till the heat day after Recovering  
 stroke, and so might have died by the excess of travel  
 and labour advised of Mon of Skilland applying proper  
 Remedies to the wound 17 March 1637 James Earl. And the  
 wounding another with a Whinger in his right Arm  
 the whole hand and other parts of his body whose  
 was found Relevant to infer the pain of death: altho  
 he lived 4 Months after the wound, and wrought his  
 ordinary work as a Smith, and did his other offices  
 up and down, in respect he never saw a life, 30 June  
 1630 John Young. But if the wound was not mortal  
 it is presumed the persons death was occasioned thro  
 misguiding l. 30 Sull. l. 52 pr. l. id. L. Regul. *Prosp.*  
*in id. n. 13. Ric. Boov. Deid. 323. n. 7. Carzov. Crim. p.*  
*qu. 26. n. 6.* And the Inflictor of the wound is liable on  
 an arbitrary punishment *Carzov. l. n. 13.* Thus an  
 indictment for wounding in the Arm a person who lived upward  
 of two Months after and went abroad about his business  
 was restricted to an arbitrary punishment: because  
 dying after ward was to be ascribed to Malum Regium  
 or some other accidental cause, and not to the wound  
 itself had been mortal thro the instant it was given  
 Reason of an Actoid or some other immediate part  
 or touched 22 November 1697 Knimonth of that ill.

Tit. 2  
 Of Casual Homicides.

Casual homicide (termed in the English law *Placet*  
 from the French language *maître à muer*) is the Accidental  
 or involuntary killing of a man for Insuper tention  
 and for love or Misadventure in doing some innocent  
 and lawful act without the Killers fault, and without  
 any evil intent in him of hurt to the person killed.

when, as it is described in the law of Moses Exod. 21. 13  
 Beloves him into his hand, because what persons  
 Casual is ordered by the Law, provided for wife and child  
 and so forth to it. Thus if while one is using a Lawfull  
 fire, <sup>and</sup> by shooting a Revolver or into a well or is  
 a tree and the head of the hat, or blood of a  
 by is accidentally killed; this is casual homicide. It is also  
 casual homicide if a person is killed with the toppling of a  
 tree, or flinging lumber or rubbish from a house at some  
 distance from the high way of a road, and warning to every  
 body to take care and stand off *Carzov. Crim. p. 1.*  
*qu. 27. n. 12. 13. Roke 3. Just. 56. Hale pl. Cr. 31. Hawkins pl. Cr.*  
*lib. 1. chap. 29. §. 4. 6.* Or when a vicar is performing his  
 office in his own shop it is no homicide to cut the mans  
 throat he was shaving by a stroke upon his hand  
 with the razor *Carzov. l. n. 13.* Or if a fallow in carrying  
 his hay or a school Master his school bag, or a Master his  
 servant, or an officer in whipping a criminal in a shop  
 or a Vicar in carrying a coffin, or a man in carrying a  
 31. *Hale pl. Cr. 31. n. 13. Roke 3. Just. 55. or 56. Hale pl. Cr.*  
*lib. 1. chap. 29. §. 4. 6.* or if a man by Misfortune takes it and  
 50. *Hawkins l. n. 13. 14. 15.* If one drops a hoop upon  
 which another was riding in the street to make him  
 gallop, who by the hoops springs out and runs over a  
 Child and kills it; this is only casual homicide in the  
 second and third; that is only casual homicide in the  
 first, tho it be manslaughter in the other *Hale pl. Cr.*  
*lib. 1. chap. 29. §. 4. 6.* that casual homicide differs from Manslaughter  
 in that the latter is committed with an evil intent  
 without any fault in the actor *Carzov. l. n. 13.* and  
 is occasioned by his just Mistake and ignorance after using  
 all exact Diligence to avoid it. For if the casual homicide  
 proceed from the Comitters affected and gross Ignorance  
 and Ignorance it becomes an *Actus Reus* homicide, and liable at  
 least to an arbitrary punishment *M. Comens Crim.*  
*lib. 1. Tit. 11. §. 6.* If a physician gives one a poison without any fault of his  
 part, or if a person is killed by a horse, or by a child, or by a  
 by the trial law and who kills another Casually  
 by Mans Misfortune, is liable to no punishment. *l. 53.*  
*infra.*