word more Excusable than the former l. 356 ff. de Bon. dor. qui
Mort. fibi Conscis. l. 6 §7 ff. de Re Milit. l. 38 § ult. ff. de pœnis.
Even in our time Revenge poverty and Disappointment do too
often make persons fierce their passage into the other State.
Many for making themselves away to shun Idolatry and
pollution, were in the primitive Church thought to have
gone preferred to the Character of Martyrs. And some have
been so affected as to kill themselves to anticipate the joys
of Heaven Ann. Robert. 7 Rex. Judic. 12. Ant. Matth. de
Crim. Jet. de Sicariis ca. 19. l. 11. n. 10. But being Homicidi Do-
minus sui Morti Crunt, he who violently bears him
self from the post assigned him by God Almighty (for
=mod in the law of England felo de) Deserves greater pu
=nishment than a soldier for deserting his Station. This
autoxesia or violent putting hands on one self is generally
abhorred as the worst kind of Murder, and is a sign of the
Most Depraved Spirit. For qui sibi Nequam cui bonus:
it may be supposed without Breach of Charity, the Lord
who will most tender his own life, would not stick much
at the taking away the life of another. It's true that a
felo de se cannot be made forfeit of a Corporal punish
ment, but the marks of Infamy and Disgrace use to be put upon
their dead bodies, to scare others from following so bad an
Example. As the Molesian Virgins of old were hindered
from hanging their selves, by making a law that such
as did so should be dragged Naked to their graves by the
Common Executioner with halters about their necks,
A. Gell. Noct. Attic. Lib. 15 cap. 10.

Felo de se is one that being Compos mentis and of the
age of Discretion, i.e. 14 Years willingly kills himself
Cokes Inst. 54. For if one under the age of 14 Years,
or a lunatick during his lunacy, or one distracted by
force of a Disease, kills himself, it is not self Mur
der. Nor yet is one who gives himself a Mortal wound
while he is not Compos mentis, and dies thereof after
he had Recovered his senses, felo de se, Coke ibid.
Hale pl. Cr. 25. 29. Because the Wound that occasioned
his death was inflicted when he was not sensible
of what he did. Actus non facit Reum nisi Mens sit Rea.

Rea, the will is that which makes the Crime. And this presumed,
that one who kills himself is not Compos mentis, till the con
trary be proved: because self preservation is that which Man
Naturally aim at, and chiefly look to, Coke ibid. When a Mad
man having lucid intervals kills himself, it is presumed
that the fact was done in his Madness: unless it can be
proved, that in his lucid intervals he used to wish that
he were dead, or to commit self Murder. McKenzie Crim.
part 1 Jet. 1. 32 infin. Sir Thomas Craig Scot. lib. 1 jet.
16 § 20 infin. Relates, that in Thomas Dobies case the
Defendant of Furiosity was Repelled, and that it was settled
that the Movables of one of furious persons for having
killed themselves become escheat to the King. But Sir
George McKenzie (ibid.) thinks, that the Fury in that case
had not been strongly qualified, and that the person who
killed himself had been only Melancholy, or subject to
Hypocondriacal fits the first degree of Madness: for that
one being quite out of his wits cannot but be found from
Confiscation of Movables. Self Murder may not only be
Committed by a person putting violent hands on himself,
but also by Omission, when he starves himself to death,
Prosp. Farin. de Homicidio Quæst. 126 n. 81. But in that
case the Design must be clearly proved: being other
ways many innocent people might be reputed to have
killed themselves, who fasted either through poverty or Neces
sity, because they could not eat or had not Meat, McKenzie
Crim. part 1, Jet. 1. 3 § 4. Against self murder is Imputed
to him who Confesseth himself to be guilty of a Capital
Crime whereof he is altogether Innocent, Prosp.
Farin. ibid. n. 27. In some cases, to wit Malicious at
=tempts to kill another and in pursuance of such an at
=tempt. He willingly kills himself, is a felo de se. As if
one aiming to Pistol another, doth shoot himself
by the Recoil of the Pistol; or if one upon an another
fallen to the ground, and with a precipitate haste in
tending to kill him fall on a sword or knife which
happens to come in his hand whereby the assailant
Wounds himself to death, he is felo de se, being the