

the only way, but not if he killed himself by running upon the drawn sword of a Man standing in his own defence in which case that man is Understood to have killed him in his own defence. Hale pl. Cr. 288 & 299 Hawkins pl. Cr. lib. 2 cap. 27 ⁵⁴⁷ or this case is mistated by Sir Edward Coke 3 Infl. 54. He who upon his own desire or command is killed by another is not looked upon as killed by him in as much as he killed himself or Command being against the Law of God and Man, is Nearly Void Hawkins ibid. 56. 94. 136.

Self Murderers are in former times not only Denied to out and Christ their Buriall, Corpsov. Prim. part. 1. quæst. 1. n. 30 & 399. But. Maltheo Crim. lib. 40. Tit. 5. cap. 11. n. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300.

The Donatory upon his gift of Es. Chat purged a Declarator against the Nearest of Kin of the Souldr for a man found dead hanging in a rope; or having his throat cut, is not presumed to have Murdered him self; but it must be clearly made appear Hosp. Garin de Homedieu wall. 128 n. 41 & 399. Therefore the pur-
suer of the Declarator must prove that the person whose death is questioned killed himself, by choice and consenting Execution; as by the oaths of witnesses, or by a paper Under his hand Wherin is Declared
this

300.
Reader of this
the De. contul, and why he killed himself, as it ordinarily
done by such persons, for justifying their horrid Act to
the World Wherin is Crim. part. 1. tit. 19. 55. Upon strong and
Violent presumptions are sufficient to prove this Crime
as if a Man known to have Envyed some much Person,
was seen to have gone into a Room, and found hanging
there in his garter and the door be locked within Wherin
is 20. De. Declarator of Es. Chat for self Murder had
been pronounced by the Court of Session upon proof
brought before them without any previous trial in the
Court of Justiciary. But albeit dead men cannot be tried
by an assize, and Many Crimes are tried presently in
civil cases before the Lords of Session: Yet seeing the
obscure of the Law, it is not thought improving a
Writ ad falsu, till the finger is a life tried by the Justices,
and the Exception upon the Pleas of a previous trial
of self Murder before the Justices hath never yet been
reported; such a trial seems necessary before our Es.
Es. Chat can be declared in the Session for having attempted
to kill himself, tho he was prevented, in which case he
may and should be first convicted by a verdict of a Justice
in the Court of Justiciary, Wherin is Crim. part. 1. tit. 19. 55.
belongs to the Coroner to Enquire upon visum corporis
by the oath of twelve Men, if a found dead was killed
and the Coroner before him is not travelable by the
Executor or the Administrator of the dead Cask 399. 400.
55. Hale pl. Cr. 29. But if the Body of one who is said
to have killed himself cannot be found, the Justices
of peace of the County, or the Kings Bench if the felony
was committed in the County where that Court sits,
may enquire thereof; and what is found before them
of the dead Cask ibid. Hale ibid.

In Many places beyond sea the Common Execu-
tion (who carry out the Body of a Souldr to be
right to be buried) lays claim upon a Man not what
Account shall good found in the plea where the fact
was