make it either better or worse; and it is not sufficient to Excuse falling in a Crime in the execution of an ill turn that the Executor did not forecast the Crime so that Malice Intended to one Expeditor person, and marches the death of another, upon that Malice Murder; and qualifies the Act in the same Manner as if it had its due affect. Besides he who carries his Resentment so high, as not only to Execute his Revenge against those who have affronted him, but even against such as if no other ways offended him, but by doing their duty and endeavouring to Restrain him from breaking the Laws, shews such an obstinate Contempt of the Laws, that he is no more to be favoured than if he had Acted in cool blood. A. having laid poison to kill B. which C. by Misfortune takes and dies, A. is guilty of Murder. If one Resolve to kill the Next man he Meets, and does kill him, this is Murder tho he knew him not, for it is Malice against all Mankind. Yea he who kills Another upon his Desire or Command, is as much a Murderer as if he had done it of his own head, such Assent being Merely Void as Contrary to the Laws of god and Man Hawkins pl. Cr. lib. 1 cap. 27 § 6. Slaughter committed in Rixa or in Sudden quarrel with an Intention to kill is Reckoned Murder by all Lawyers Carpzov. Crim. part 1, qu. 1, n. 15. [illegible]

[illegible]

Where a premeditate design to kill cannot be proved Directly, it may be Learned from Circumstances, as the Manner of killing and the Nature of the Act.

Murder may be Committed by a Weapon, by Bruising, bruising, Smothering, Suffocating, Strangling, Drowning, burning, Burying, famishing, throwing down, inciting a dog, bear &c. to bite him, whereby death ensues, and by laying a sick man in the cold and open air against his will whereby he dies, by exposing an Infant in or under ... where a kite killed it Hist. plac. Cor. ... pag. 431. Coke 3 Inst. 48. Hale pl. Cr. 53. Hawkins pl. Cr. lib. 1 cap. 31 § 4 & seq. Or by poison &c. Moriendi mille figura. The quality of a weapon with which the fact was Committed is Considered as an Argument, but not as a Necessarily Concluding presumption of a Previous Design to kill, l. 1 § 3 [illegible] ad leg. Corn. de sicar. l. 6 § 1 ff de Re Milit. l. 1 C. de emend. serv. Numb. 35. 16. And if the wound was Made with an Instrument that probably and for the Most part is the