

up to the kill, it is understood to have been sufficient with a killing design *Carpxov. Crim. part 1. qu. 1. n. 4. 5.* But this supposition cannot be gathered from the Wagoner by any but *Carpxov. Crim. part 1. qu. 1. n. 4. 5.* it must be left to the Jurors, and the moment of the fact, who should think *Carpxov. Crim. part 1. qu. 1. n. 4. 5.* the Wagoner and the Minuted *Carpxov. Crim. part 1. qu. 1. n. 4. 5.* had been by whom the Stroke was given, and upon what part of the Body, *Pros. Garin de Homicidio quast. 126 n. 9. 6. Carpxov. Crim. part 1. qu. 1. n. 4. 5.* And it is understood to have been first thought Malice against one whom he killed with a Gun or Pistol to *Pros. Garin de Homicidio quast. 126 n. 23. 24.* with a sword or other Instrument of iron or Steel, or wadon in this manner proper to kill with *53 Just. de public. judic. l. 9. de vi pub. l. 1. de doli, a Mota, a flail, a Spade, a shovel, a Shepherds crook or Staff, a great Bridgel, Carpxov. ibid. n. 8. A Rake having been used 21 Decemb. 1691 Robert Howard. Gile being beating a woman upon the head and third after throwing her in a Bluff with a Bar head and hands down ward, and flinging the lid upon her whose she was found lying dead some time after 25 June 1711 Eupham Clark for the flying passion about noon and flinging him over into a knocking through striking his head against the wall and finally bruising him and strangling him by his own Gavel, of the which bruising beating and strangling he immediately died upon the very spot of the door as he was going out, 12 March 1684 Robert Grierson and others. Or the going on a ftroke on the head with the bar of a Staff, whereof he died about ten days after, about there was no proceeding Enmity between the killer and the person killed, 13 March 1637 James Ward was found relevant to *Pros. Mur. de. n. 1.* And who kills a Man by trampling him under foot, or suffocating him in water, it is understood to have been design to kill *Carpxov. Crim. part 1. qu. 1. n. 28. 30.* In the opinion of the Doctors he who kills a Man by the stroke of a walking Staff *Pros. Garin de Homicidio quast. 126 n. 13.* *Carpxov. Crim. part 1. qu. 1. n. 19.* or by throwing a little stone at*

at him or by cuffing or flapping him with the open hand *Pros. Garin de Homicidio quast. 126 n. 17. 18.* *Carpxov. Crim. part 1. qu. 1. n. 46. 42.* or by giving him a Box on the ear which will not be deadly, it is not understood to have had a Design to kill *Carpxov. Crim. part 1. qu. 1. n. 62.* The Jurors agreed to our law, where by he who killed with his Blinded fist was to give to the King 29 Cows and a Hair, and to satisfy the friends of the deceased conform to the Custom of the Country, Stat. Wilhelm. cap. 3 n. 4. But one who should have had a Murdering Design who killed by throwing a stone of great weight and another, or by beating him with it, or Rattoring the throat or some tender place of the head *Pros. Garin de Homicidio quast. 126 n. 141.* *Carpxov. Crim. part 1. qu. 1. n. 59. 62.* Or by Boxing or Whorring him on the temples of the head with his fist 24 52 *Just. de doli. l. 1. n. 35. 21.* *Carpxov. Crim. part 1. qu. 1. n. 38. 39.* Or by heavy and repeated Blows upon the head with a walking Staff *Carpxov. Crim. part 1. qu. 1. n. 26. 21.* *Pros. Garin de Homicidio quast. 126 n. 133.* That the continued beating and the flinging a Man with a cane and broom Staff where by he fell down became and continued almost 3 hours, 23 till the next morning when he expired, was held to amount to the guilt of Murder 22 January 1711 because the presumption of the Murderer Not having a Design to kill from the quality of the Wagoner, is taken off by a stronger presumption arising from his frequent beating the stroke which continuation of blows by Weapons not Mortal, gives no less Malice than when and death is inflicted with a Mortal Weapon. The Jurors are ordinary for Men to imagine by a mistaken notion of Honour, that they may Commit the same cruel fact against those in a lower Rank than themselves with a kind of Weapon that would be to Honour the cause with another person again when one kills another by administering poison