

to him, he is reckoned to have had for thought. Mr. Reid to
 kill L. 1. C. de Malof. 26. Matton. In the opinion of Mary Lewis
 = yord C. Gm. 3. 2. 3. 4. 5. 6. 7. in fine. Cap. 20. 21. Crim.
 part 1. Quall. 21. n. 33. 37) one is not punishable capitally
 for giving poison to any person, unless he die thereby: and
 that if poison given doth not occasion the parties death, either
 because it was not strong enough, or that it was considered
 ineffectual, by his taking Counters or Remedies; or if a person
 about to offer poison to another, was hindered to give it by
 some unforeseen accident; the offender should not be
 punished arbitrarily, as by fastigation or obstructing
 benifits. But other lawyers of no less noted abilities
 (S. in p. Harris. Quall. 122 n. 14 & 19 pp. Stat. Mat. h. de
 Crimi. lib. 4. c. 5. cap. 5 n. 3. 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. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.)
 that a Master of poison should be subjected to the ordinary
 Capital punishment, tho' he attempt to do so, tho' he
 the death of any person if it was carried out, tho' he
 iminy, by not only buying or preparing, but also offering
 poison to the party: knowing that the Mischivous Design
 did not succeed was ^{but} knowing to the poisoner who did all he
 could to save it. By the law of Scotland the giving of
 poison, tho' the death do not follow, is to be capitally puni-
 -shed; that being a deed more Criminal than the bringing
 -ing home of poison which is punished with death at 30
 331 Parly. 7. c. 2. junct. 7. A. cap. 21. 57. McLean's Crim
 part 1. c. 8. 55. And the giving of poison whereby Man
 turn Para Liked or Lamed is punishable with Death
 Soaring thereby they suffer Bodily harm which the
 Statutes were made to prevent. McLean's Crim. 54. 55.
 An Endeavour to poison parents a Priest or Magistrate
 is punishable, tho' if the Crime had been Consummated
 -to McLean's Crim. 56. But none are to be concluded
 guilty of poisoning, unless it certainly appear that
 -poison had been given to such a person, tho' he did
 -by poisoning, as collected from the following out-
 -ward signs and tokens, viz. black and blue spots

on the Body, forming at the Mouth, frequent Vomiting, a
 Swelling and Blackness of the Nails &c. Tho' to which the
 Judges ought to take the Report of knowing Physicians
 upon oath, after their Visiting the Body, whether the
 poison given was Deadly, or Not Consummated. Tho' n. 3. 4. 7. And
 Because the tokens of one dying by poison are Very fallacious,
 and may proceed from Inward causes, as poison bred in the
 Body, or Malignant humours; a corrupt air or vitriol
 -lar living &c. It ought to be Manifest that the poison
 was truly given to the Deceased by the party Accused.
 Which his own Confession doth not sufficiently prove,
 Unless other presumptions Convince us that he brought
 -poisoned was at odd or Amance with the Deceased,
 or that he expected Benefit by his Death, or was a
 -case poison from whom such an ill turn might have
 been Expected; or that his having brought poison was
 proved after he had denied it, that he had committed
 -quall. 122. n. 62 & 69. such a presumption shall be
 -incomparably to administer poison to one for bargaining
 off any case, whose they cannot be supposed to Under-
 stand with the Nature, and the patient's Interest, tho' he
 be able to an arbitrary punishment, Consummated. Tho' quest.
 20 n. 549. It was once Done too, and not Decided (see from
 -ary 1676 William Kennedy) whether the giving too pro-
 -quently and in too great a quantity drugs not poison-
 -able to one contrary to the Nature of his Disease, as poisoning
 -ing down his Body and killing him Imperceptibly, in order
 -to steal his goods after his Death, and to conceal a
 -former theft, was punishable, tho' it was pleaded for
 -the pannel, that no Criminal death could be found
 -on the furnishing drugs not poison-able only by excess
 -in the quantity, and too frequent use. Because 1 of those
 -can be no Certain Rule as to this Reason of the great
 -Difference between humane Constitution and the
 -temperatures of Mans Body, some require in a far
 -greater proportion than others; and if it were other-
 -wise, it would be a great Injustice to punish one more
 -than another for the same Crime, tho' they were both
 -guilty of the same.