

cap. 74 n. 13. And albeit there other ways, Broff. Farin
de homicidio lib. 2. n. 139, 143. But the best when a Child
Unborn is Understood in law to be quick, is To be Committed by the
discretion of the Judge; there being no fixed Rule about it
and the Doctors differing so Much in their opinions. By
the profane Law of England, the Banishing of an Abortion,
by giving a potion to striking a Woman by with Child,
is a great Misdemeanor only, and Not Murder, unless the
Child be born alive and so therefore in which case it
joines clearly to be Murder, Handb. pl. Cr. lib. 1. cap.
31. § 16.

The poisoning of a Fountain or Well, is guilty of Mur-
der if any person die by Drinking that Water, Broff. Farin.
de homicidio lib. 2. n. 122 n. 12. Such a Poison pastures
ground, for Destroying cattle that feed thereon, if damage
follow, and is become adjudged to the free or Commoners to be
burnt, and the so harmful, and beaten with Rods and
banished, Carp. 20. Crim. part 1. quæst. 20 n. 19, 25. quæst. 21
n. 29, 30. Jurisprud. Crim. part 4. Conf. 18. of 182. l. 3.
cause over an untithed of Man may suck, if not death befall
in the Infants air & rapidly, or by eating of the
poisoned flesh of such beasts. By the law of Scotland,
poisoning sheep and houghing of Oxen are pun. shable capi-
tally, the poisoning of Beasts might Much Rather be
to be punished: because the owner of the Beasts is there
deprived of the use of them, and Men are in dan-
ger by eating their flesh, McLenzie Crim. part 1. § 1. 8
§ 4. However a Man having come in the King's
will for Mixing of poison with earth and casting the
earth in a Woman's yard for Destroying of poultry, was
by two of her bond was Destroyed: hence by warrant
of his Majesty banished the Realm Never to Return
upon pain of death 6 November, 1600. Thomas Bell

Parricide

By the Civil law, Parricide in the General Comprehends
all kind of homicide, quasi parricidii Committed Cap. lib. 2. § 23
§ 20. orig. Jur. in a more Restricted sense it is taken for the
inhuman killing any Near Relation without regard to
the Natural tie of Affection and Blood, l. 1. ff. ad. l. l. imp.
de Parricid. But Parricide proper is the slaying of one in the
Masculine or Feminine line, as a son, a quasi parricidius
by killing the Children begot in fr. est. and guilty of parricide
by killing their Natural parent is whether father or Mother,
Broff. Farin. de homicidio quæst. 120. n. 110. Handb. Matth.
de Crim. lib. 2. de Parricid. n. 3. Carp. 20. Crim. part 1. quæst. 8
n. 25, 26, 27, 28. Jurisprud. Crim. part 4. Conf. 3. § 2. l. 1. n.
est enim omnibus parantibus Reverentia foreanda l. 6
ff. de injur. l. 1. de lib. et fil. quæst. 120. n. 110. ff. de in
of Nature may be punished in England who are Natural
Children. But it is not reckoned Parricide to kill an adopted
a parent in law, as if a Man should kill his wife's father
or Mother, or a Wife her husband's parent; or if either should
kill their stepfather or step Mother, Carp. 20. lib. 2. n. 34
§ 1. § 2. § 3. Jurisprud. Crim. part 4. Conf. 3. § 4. § 5. § 6. a
Judge may aggravate the Capital Punishment of such a
person by some Circumstances of Exacerbation. It is also deemed
to be Parricide for a man to kill his stepfather a Roman lord, tho
a bastard Carp. 20. Crim. part 1. Quæst. 9. n. 2. § 1. § 2. § 3. n. 26
or begot in Adultery or in cell Carp. 20. lib. 2. n. 15. § 1. § 2. § 3.
Parricide part 4. Conf. lib. 6. n. 17. Nor about the Civil Law
makes a distinction betwixt lawful and Unlawful Child
from the law of Nature makes None c. 3. Dist. 56. ff. de lib.
parents Comm. to Murder their Child, both Must suffer
Carp. 20. lib. 2. n. 34. § 3. § 6. For Plundered Delinquents
contra Unim tunc in plerumque et hanc Major in
juris