

that is Murdering and for hire 486 March 1695 Balfour
of Randon town.

Murder Under trust, is the felonious killing of a per-
son by one Under whose trust, trust, and assurance protection
and power he had put himself. 486. When a person kills
in his own house a guest invited by him. *Melton's case*
part 1, Sit. ii 816. *ob. serv. on act. 51. Parl. 115. C. 29* When he
performs formerly at Venice having found law for wrong
for sleeping the year to one ano ther, one of them killed the
other, *Melton's case*. *ibid.* 37 When one of two Under tra-
stitution for Removing some old ground of quarrels. *St.*
the other, *Melton's case* *ob. serv. on d. act. 51. 49* When a Physician
poisons his patient, *Melton's case* *part 1, Sit. 856* *in fine.*
When a Man kills his wife, 2. August 1627. *Anderson's case*
and or *Clute Melton's case*. *Sit. ii 816. ob. serv. on d. act. 51*
or he'd his servant *Melton's case* *ob. serv. ibid.* Who is Under
the power of the slayer. *Clute* a Woman was hand-maid
guilty of Murder Under trust, for killing one who was the
servant and approached while he lay sleeping in his bed
within her house 14 July 1635 *Burton's Honor*. But the
Lords of session found, that Murder Under trust was to be
Understood only of trust given by Express paction, when
performed trust than before trust themselves to those
they would not have come within the reach of had it not
been for the assurance of indemnity and protection in
not to be extended to that Natural trust betwixt
parents and children. So that parricide ad when a Ma-
kills his Mother is not Murder Under trust 22 January
1663 *Woman contra Elephant*. *Grain's case* Improper to
that a parent is Under the power and assurance of
a Child: So if parricide were Murder Under trust and
Consequently excusable by the law of Scotland, it had been
unnecessary to make a posterior statute for deterring
the offender and those claiming Under him, and
for transmitting the succession to the Next Collateral
losing the estate of a parent belong to the Husband
or

not to the Next Collateral.

When God Requires the life of a Man, the death of him
who took it away is justly demanded he cannot demand that, and
therefore must render his own in lieu of it, which is the
only way left of Making Restitution. So that no kind of Mur-
der is punished with death and confiscation of Moveables, but
Stat. Robert. 3 cap. 43 *Melton's case* *part 1, Sit. ii 815*
820 and in fine except their life rent Estate for the life of the
Lord denounced for hanging later within three lires or three shil-
lings the time of prayer preaching or adm in. strating the
sacraments, and Declared Defectors of them after their
their Denunciation forfeit to the King both their single and
life rent Estate, 8. Act. 118 *Part. 12. C. 6* the Regularitor
Estate to belong to their Respective Superior.
This if pursuer or Defensor in a civil process, kills the other
during the Dependence of the pleazance he denounces to
the Court for not finding hardy or not appearing to the
do by the law, he immediately after the Denunciation
law a Murderer, until he neither have substituted nor hair
at law to the person killed; and was Declared from his
adding any manner of way to his estate, or goods 8. July 54.
God Born Damnat. And the same obtained by the law of
France. (But this personal incapacity of Jurisdiction to a person Murdered, being inflicted by
the law of Scotland expressly for parricide Act 220 *Part. 1.*
14. C. 6 it should not be extended here to ordinary Murder,
Melton's case *part 1, Sit. 1455* *in fine*

The Doctors of the law allow the Criminal to go to
Jury's sake the punishment of hanging the dead body, and hanging it
in some public place for a time, or let it consume
away, and be cast by the executioner or a terrible Monster or
Remembrance to others, not to fall into the like crime,
Barrow's case *part 1, qu. 7 n. 338* *Barrow's case*