

to kill for Money is not punished as a capital offence  
followed McHenry's Crime part 1; Tit. 11 § 23 infra

In the opinion of Casproux a fruitless attempt  
Committe la Croix is punishable only a libel if the  
offender had proceeded only to sell let having a Remote  
tendency thro' to Crime part 1; Tit. 22 n. 71. But if proven  
ad actum proximum to Immolation; as when one who is  
Wounded and Robbed recovers in that case the offender is  
punished as a Libel, or at least with the pain of death,  
According as the Judge shall think the Circumstances  
of the fact or person to be more or less odious ibid. n. 73  
& 388 & 399.

To prevent murder by poisoning (which is committed  
only by poison having some hurt against which no Man  
can defend himself) any person act 30 Parl. 7. c. 2 upon a  
Stranger act 31 ibid. buying and bringing into Scotland  
poison thro' which any Christian man or woman may take  
bodily harm for any manner of use, was made liable to the  
pain of treason. But as no person was ever convicted  
as a traitor for the buying or giving of poison McHenry  
Crime part 1; Tit. 8 § 51 So now such an offender may be punished  
only with death, n. 97. A cap. 21 § 7 conform to the will of act  
35 Stat. Parl. de Piar. 128 § 9. So poisons, thro' the law  
of England, Edw. 3. cap. 12 § 13 Whom by wilful killing by  
poison is adjudged wilful Murder of Malice prepense  
Albeit the Statutes (c. act. 30 & 31) inflict the punishment  
of death on the buyer and importer of poison for any  
manner of use: Apt Apothecaries and others are allowed  
to bring home poison as Materia Medica or a drug, not  
to be except to persons of probity and discretion for  
some good use, as to destroy Rats or other hurtful  
Creatures Casproux. Crime part 1; Tit. 20 n. 3. McHenry  
Crime part 1; Tit. 8 § 51. also on d. act 30. because the  
poison are supposed to be more hazard by that poison  
which is in the hands of Skilful Men. But such as  
presume to sell poison to Children servants, fools or

others who may be thought apt to make a pernicious use  
thereof are liable to an arbitrary punishment; if any per-  
son dies thro' by the use to be made thereof, is act 31  
known to the latter, Monoch. de arbit. Tit. 2. cap. 2  
c. 359. n. 1. Stat. Parl. de homicidio mort. 122 n. 49.  
Casproux. Crime part 1; Tit. 20 n. 5 & 9. It is also that  
Apothecaries or Druggists and the former of their shops  
are sworn not to sell poison without license from a Ma-  
gistrate Casproux. ibid. n. 7. No Act has the Statute making  
the Importing of poison by Strangers to be Criminal (d.  
act 31 Stat. 7. c. 2) been observed: it is reported to punish  
them for transgressing a law they are not supposed to know.  
No Act had been submitted to them by some Magistrate.  
But if a Stranger actially imports poison to one he is  
punishable; every one being obliged to know that it is  
unlawful to give poison McHenry's Observ. on d. act 31.  
Again, altho' the law doth import no obligation to do  
harm by poison only to Christians; yet the poisoning of  
a Pagan or a Jew or an Excommunicate person, would  
be punished as Murder.

Act. 2  
Man slaughter or killable homicide  
Man slaughter or slaughter (within the Dub word  
flow or slough) is the unlawful killing a man  
without proper Malice towards a person  
which is either done in a proper heat, arising upon a  
sudden quarrel or some provocation with a present intention  
to kill, or in the commission of a Voluntary Unlawful  
act without any killing design.

Man slaughter committed on a sudden quarrel or  
provocation or committed in Rixa or in a tumult is cal-  
led in our law Blasid Mollay or Blasid Mollay Reg. Maj.  
lib. cap. 3 n. 7 act 51 Parl. 3. c. 3. in Latin Mollay or  
Mollay Blasid Mollay is derived from the French  
Blasid hot and Mollay a fight