

of Chained mules or Homicides committed  
in Riaca.

By the old Civil Law, where two are Catechized in the  
Act of Homicide or Killing from it by the father of the woman  
at her own or her husband's request, by the husband at  
his own house; the father might lawfully kill her &c.  
C. 22. § 2. C. 23. § 2. If a husband kills his wife, he is  
not liable to punishment if a Man of base person & 24<sup>th</sup> of  
Edw. 1. c. 12. § 2. If a Man of base person kills his wife  
or a greater latitude was indulged to the father  
upon the Account of the paternal tenderness, than to the  
husband whose passion, his honour being more concerned  
was supposed to be a greater provocation to more violent  
Measures. But this privilege is now taken away, & a  
Lord of quality is not to be accounted guilty, for  
killing his wife in rage and Lucre, are more ordinarily guilty  
of this Crime than Men of base person; partly, for that  
it is not so easily presumed to have been formerly at  
his own above his rank, and so may be thought to have  
killed her more to satisfy his lust, than for abusing or  
seducing his wife. By the Law of England, if a husband  
or knock out the Brains of a Man laboring in  
with his wife this is base Man slaughter: for the Death  
is the Rage of a Man, and therefore the highest provocation  
of property, being the Robbing a Man of his property and  
529. But seeing our Law allows persons who kill in their  
own Defense, or kill thieves &c. without providing any  
penalty to fathers or husbands who kill in such a  
Case, it is not to be thought that the Law is  
intended to punish their own private Repentment: those  
Deputies of any other kind than what may be  
from an application to the King's Money, & those  
part 1. § 14. And to allow passion as a Motive for

Impunity, were to make our Criminal Law illegitimate  
the passion being a transgression against Reason, as  
the Law is against law.

Manfauing a horse by doing an Unlawful  
Act.

Another kind of Manfauing a horse is when one by doing an  
Unlawful Act imprudently without due care and Diligence  
Unwittingly kills another, e. g. do him a mischief by allowing  
Hounds or Horses in the high way or in a March place to be  
people usually pass or to pass, or by letting down a stone  
or piece of Timber from a height or falling a load  
trying to all persons to be ware of it; or by the pulling  
wound man's head being not sufficiently tied or fixed; or when  
a better brimming a person in the open Road, where  
of that kind is not to be performed, or cannot be safely  
Expected to be safely performed, do it at his own  
person's falling the horse's head &c. C. 21. C. 25. § 1. C. 26.  
If a Man whips his horse on the Road to the  
ride justly, and the horse runs over a Child and kills him this  
is Manfauing a horse. But where one sets upon a Man to kill  
him and kills him in making his resistance; or where a person  
shoots at or fights with one Man with a Design to  
Murther him, & the horse runs and kills another, this is  
not Manfauing a horse. Hawkins p. 1. § 1. C. 21. § 1. C. 25. § 1. C. 26. § 1.  
C. 31. § 1. C. 34. § 1. By the old Law of Scotland, where a horse on  
which a person is riding thro' a town, strikes or tramples  
a Man within his four foot, so that he dies, the Rider must  
give an Assesment or Satisfaction to the friends of the per-  
son slain called Erue or Galnes: But it is liable to no Satis-  
faction for any such harm done with his horse under foot,  
viz. Maj. C. 6. § 24. Because a Man may not drive his  
horse from hurting any before him, but cannot prevent  
harm to those behind him. In the opinion of the best Law-  
yers, to make one guilty of this last kind of culpable  
homicide, it must be done while he is employed  
in an Unlawful Act or such a  
Cable