

and good of the law paper shall be in the Kings will  
 and if one of Taddon Chaudmolly the party, beareth that  
 follows, and the transgressor defend after the course of the  
 old laws, which words don't refer the punishment but  
 the form of trial of Chaudmolly to the old laws. In which  
 respect as it is intimated already there was a Difference between  
 killing by fore thought felony and upon a sudden falling on  
 but none as to the punishment. After the Reformation was  
 first apply formerly enjoyed by Churches and other private  
 places, was abolished, the Distinction a fore said to wit  
 Murder and Man slaughter being wholly came to be  
 framed Indifferently for Murder and Man slaughter  
 General, without any mention of fore thought felony  
 and where that was to be used, it was not required to be  
 proved, it being impossible to prove a Design to kill,  
 which is a secret act of the mind. But for preventing  
 all debates in pursuance for slaughter, it was Expressly  
 declared in the year 1661, that casual Homicides, homicide  
 in lawful Defense, and homicide committed upon thieves  
 &c. should not be punished with death but 22 Parl.  
 Chap. 2. so that Chaudmolly or Homicidium in riot  
 Commision, as falling under none of these exceptions,  
 is intimated by punishable with death. For all the Ex-  
 ceptions of that statute, 1661 Concerning the general  
 Punishment of Casual homicide, is very Improprie and Redun-  
 dant, homicide in Defense, and Homicide on thieves, Homici-  
 dum in riot, not falling under the Denomination of Casual  
 homicide: so that it cannot be Extended to slaughter, or  
 Chaudmolly, or committed *de dicta opera*, tho without fore  
 thought, which is far more Culpable than any of the Ex-  
 ceptions of slaughter, unless it could be supposed; that  
 the Legislator, intending to Remove all doubt about the  
 punishment of slaughter, would have Enacted in the  
 clearest cases with a non-obstante, and left the more  
 difficult in the Dark. By our law Chaudmolly or Homici-  
 dum in riot a Commision, is punishable by death

tho the Committer had no purpose in killing any one before  
 against the person slain. In the said Malice, homicide  
 proceeding, killing, the fact or the act, tho after, being  
 the Reconciler, sufficient to make homicide Capital;  
 and all killing is punishable with death, till the year  
 one of the qualities of chance, so if Defense &c. are pleaded  
 and proved by the Statute 15 January 1679, James II.  
 = 2001 v 17 March, 1679 James II. 9 May 1669, 21 July 1674, Andrew  
 Spil S. M<sup>r</sup> William Pung last 9. 8. 10 November 1674, Andrew  
 Hultonford 20 November 1695 George Hunting. August 1698  
 James Ranney of Grinham, &c. <sup>Victims cum suis</sup> local mag<sup>is</sup> for being  
 that he out of an Humour to be a little and finally  
 under protest of being line did, slip and being one of  
 his scholars like times as mentioned with that he  
 = mily, that he tried your Honour, and what on his leaving with  
 = ing not only on his head but also on his arms and  
 with the felled hand and the shaft of the whip thereby  
 whereby his head swelled and was mortally wounded on  
 his head or back and the dragging of him, as before as  
 he was let down out of the steeple and by a ladder  
 out his last words. It was pleaded for the prisoner  
 that he having killed the Boy without any purpose  
 Malice, with no other Intention than the due punish-  
 ment in the Exercise of Discipline, which could not be done  
 bone nor touch the Vitals; his except Common was a  
 Venial and Except in self Defense, or the Mistake of a  
 lician or Madwife under whose hand the patient perished.  
 And the Boy might have died Eventually tho his peculiar  
 Constitution which the parson could not know, or  
 make it the rule and Standard of his Correction, no  
 such fatal event leaving so long as upon former Correc-  
 tions; and Intention Acted which was lawful Dis-  
 cipline, off Suspicionum. Rep God for the prisoner. If a  
 Master finding his servant in a small transgression  
 began to beat him for Correction, and his Anger increased  
 and continue to thrash him till he fell down dead  
 under his hand, he would be certainly guilty of Homici-  
 dum