

What is Manslaughter - as what the Law about
regulates the trial of a party charged with the
Crime of Murder

As the Crime of Murder includes that also
of Manslaughter, it follows that under our Law a
person charged with the former offence may be
convicted either of that Crime or of Manslaughter
as the Evidence shall support an or the other of
those charges. —

What is Murder? Murder is the killing of any
person under the King's peace with Malice aforethought
Either Express or implied of Law - 1. Keefe 611.

Howe. Cr. Ev. 562

Malice is the chief characteristic of Murder
It.

What is Manslaughter? When a man excites
from sudden transport of passion a heat of blood
if upon reasonable provocation Without
Malice it will be Manslaughter - if without
provocation, or if the blood has had reasonable time
to cool, or if there be evidence of Express Malice
it will be Murder. Howe. Cr. Ev. 557

When upon words of reproach, or indeed upon any other
immediate provocation, the parties come to blows &
a Corbal Excuse, in which he under advantage