

in front of about 9 yrs of age) - of which said
laceration & bruise the ~~is~~ on the center the (anterior)
2 and 1, but which omitted "clearly giving to the said
F.P. One Mental wound & bruise" & was held to
be bad - Each of p. 112 case 54

As to the evidence, it seems in cases of
murder, not only consist of the proof of the
particular facts & circumstances which show the
killing to be, substantially as stated in the Indictment
(which evidence is common to all cases of homicide) -
but the facts prove some thing that the killing
was of malicious premeditation

No 507 (2 Hal 290) It was held down as a
rule of Law that where he would murder a
person of sound mind & sane memory, unless the fact
were proved to be done, or at least the body be
found dead.

But the proof of the fact being done may
be Circumstantial, as in David Marshall; case
where the prisoner, a Negro man was indicted for
the murder of his Captain at sea; & it appeared
in evidence that the prisoner had proposed to
kill the Captain; & that the witness being aboard
in his ship, during the dead of the night & a
violent noise, got out of his hammock &
lying upon deck, observed the prisoner take