

## Murder – The Definition

- **Murder is when a man of sound memory and of the age of discretion, unlawfully killeth within any county of the realm any reasonable creature in *rerum natura* under the king's peace, with malice aforethought, either expressed by the party or implied by law.....”**
- *“(...so that the wounded party shall die of the wound or hurt, (within a year and a day of the same).”* This last sentence removed by **The Law Reform (Year and a Day Rule) Act 1996**
- 17th Century rule - Coke's Institutes.
- Even today, murder is still a common law offence, the offence not enacted by parliament.

# Definition Murder

**DJ Losen**



## **Definition Murder:**

*Judicial and Statutory Definitions of Words and Phrases*, 1914      **Criminal Laws in Australia** David Lanham, David Wood, Bronwyn Bartal, Rob Evans, 2006 Aims to present a unified picture of the core aspects of Australian criminal law      **A New Homicide Act for England and Wales?** Great Britain: Law Commission, 2006-04-04 This consultation paper reviews the law relating to homicide in England and Wales and sets out a number of provisional proposals in order to establish a more rational and coherent framework of legislation Issues discussed include the existing law and problems with it the definition of murder and manslaughter partial defences including provocation diminished responsibility and duress the fault element in murder and the concept of intention and the doctrine of double effect The paper proposes the creation of a new Homicide Act to replace the Homicide Act 1957 to establish clear definitions of murder and the partial defences to it as well as defining manslaughter within a graduated system of offences the ladder principle to reflect seriousness of offence and degrees of mitigation For example the offence of murder should be divided into two categories of first degree murder with a mandatory life sentence and second degree with a discretionary life sentence maximum Responses to the consultation paper proposals should be received by 13 04 2006      *Penal Code of State of Idaho, 1901* Idaho, 1901      Penal code Idaho, 1901

A Treatise on the Law of Homicide in the United States Francis Wharton, 1855      **Commentaries on the Liberty of the Subject and the Laws of England Relating to the Security of the Person** James Paterson, 1877      The Organic and Other General Laws of Oregon Oregon, 1874      **The Pacific Reporter**, 1921      A Treatise on the Criminal Law of the United States Francis Wharton, 1846      **Reports of Cases Argued and Determined in the Supreme Court of the State of Missouri** Missouri. Supreme Court, 1871      **Lawyers' Reports Annotated**, 1912      **The Southern Reporter**, 1918

Southern Reporter, 1918 Includes the decisions of the Supreme Courts of Alabama Florida Louisiana and Mississippi the Appellate Courts of Alabama and Sept 1928 Jan 1929 Jan Mar 1941 the Courts of Appeal of Louisiana      *Reports of Cases Determined by the Supreme Court of the State of Nevada* Nevada. Supreme Court, 1877      Pacific States Reports, 1911

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