

2 Chitty Cr. L. 734 Description of an offence of Murder.

The Indictment must set forth the manner by which the death was effected, and a general statement that the death was killed will not suffice.

It. An allegation of the kind of death will not be supported by evidence of another especially different; so that if it be alleged that the Murder was committed by stabbing, & it be shown to have been by drowning or poisoning the prisoner must be acquitted - See also Hawkins 62. ch 23584 & 2 Hale 185.

It. So when the manner of death is doubtful it may be laid in different ways. 2 Leach 569

But if the particular species of weapon be stated it will be no variance to prove that another was used, so that an Indictment for assaulting with a Staff is supported by evidence that the weapon was offered by a stone (1 East P.C. 341). And an Indictment for Murder occasioned by one species of poison will be supported by proof of murder by poison of a different description (3 Camp. 75).

It. 735 The prisoner begins when death arises from a blow or wound, & equally necessary when it was effected by any other means.

It. For the same reason, when the death is