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him to be an enemy to mankind in general; as going deliberately with a horse used to strike, or discharging a gun amongst a multitude of people. 1 Hawk. c. 29 s. 12. So, if a man resolve to kill the next person he meets, and do kill him, it is murder although he knew him not; for it is universal malice. 4 Il. Con.200. And it may be necessary here to observe, that no provocation, however great, will extenuate or justify a homicide, where there is evidence of express malice. See R. v Mason, Fost 132. So, where A. and B. having fallen out, A. said he would not strike, but would give B. a pot of ale to strike him; upon which B. did strike, and A. thereupon killed him; this was holden to be a murder. 1 Hawk. c 31, s.24.

And in many cases, where no malice is expressed or openly indicated, the law will imply it. Thus, where a man wilfully poisons another--in such deliberate act the law presumes malice, though no particular enmity can be proved. 1 Hale, 455. So if ~~if~~ a man kill another suddenly, without any, or without a considerable provocation; if he kill an officer of justice in the legal execution of his duty; or if, intending to do another felony, he undesignedly kill a man; in all these cases the law implies malice, and the offence is murder.

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KILLING BY FIGHTING :- Killing by fighting may be either murder, or manslaughter, or homicide se defendendo, according to circumstances.

1. If two persons quarrel and afterwards fight, and one of them kill the other-- in such a case, if there intervened, between the quarrel and the fight, a sufficient cooling time for passion to subside and reason to interpose, the killing would be murder; Fost 295; 1 Hale 453; but if such time had not intervened -- if the parties, in their passion, fought immediately, or even if, immediately upon the quarrel, they went out and fought in a field (for this deemed a continued act of passion) the killing in such a case would be manslaughter only, 3 Inst 51; 1 Hale 453; 1 Hawk c. 31, s. 29; Fost 295, whether the party killing struck the first blow or not. Fost 295; 1 Hale 455.

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