

unintended as in Case of Defendant Vester Magis a big
 Oufis, quam ab Insultato. And he who bludgeoned Rattell
 be killed than to die in his own Defense, is a kind of Suicide
 and offends not only against himself by slaying his
 own life, which the Law of Nature obligeth every one to
 find against Myself & his Lord, but also offends God and
 his Country, by withdrawing his power from both, and
 losing his Nation without a lawful cause. Self Defense
 being thus a Duty Commanded, is more favourable than
 capital homicide, which no person is in duty obliged to com-
 mit and to punish one for Necessarily Defending himself
 which Law Commanded and is no fault, were to put it
 the power of every Malicious Rascal to bring the Mag-
 istrate out; being at that Rate he beholds either to suffer
 himself to be killed, or Undergo punishment for Defending
 his life. It is not only lawful for a Man to kill in the Nec-
 essary defense of his own life, but even in the Defense of
 his Neighbour's life; tho the Defense be Under no spe-
 cial tie to him by Civil or blood Relation. Fel. Clar.
 § Hemeridius in l. 28. Tropp. Garin. de homicid. § 12.
 n. 27. § 13. But. Natth. de Crim. Fel. de fidei. cap. 2. n.
 33. infer. de mofes flows the Egyptian he saw smiting
 one of his Brethren Exod. 28. 12. Ubi omni Necesse
 Opitulari fas est. You may think, that he who suffers
 a man to be Murdered while it was in his power to pre-
 vent it without hazarding his own life, is liable to
 arbitrary punishment, Carpzov. ibid. n. 12. For every
 one is Commanded to love his Neighbour as him-
 self is. 27. Thus the Plea of Necessary Self Defense
 in hindering a person to kill one of the Tannab, is
 sustained Relevant to elude a libel for Murder
 or Man slaughter against both the Tannab, the
 Directly Contrary to the libel, 2 November. 1685
 Unquhart and Webster.

It is the subject of much various Debate among the
 Doctors, if one may kill another for preserving or Recov-
 ering his goods and gear. Some hold, that it may for
 things of great Value, tho his own life is in danger at
 the same time, Sumbander Crim. cap. 76 n. 288. Which
 qualification is added partly, because of the Dispropor-
 tion betwixt a Mans life which is lost, and the value
 cannot be restored, and temporal goods which
 may be recovered by action at law; partly, for that
 the Law allows of the killing a day thief only, tho the
 value of the goods is great, and of a Night thief whose life
 cannot be spared without danger. L. 1. § 1. Corne-
 de fidei. But others with more Reason Main-
 tain, that a person may lawfully kill the thief and
 Robber of his goods, when those cannot be recovered
 proposed or Recovered by other ways. L. 359. § 1. de Crim. lib. 1.
 Carpzov. ibid. n. 238. § 1. § 2. § 3. § 4. § 5. § 6. § 7. § 8. § 9. § 10. § 11. § 12. § 13. § 14. § 15. § 16. § 17. § 18. § 19. § 20. § 21. § 22. § 23. § 24. § 25. § 26. § 27. § 28. § 29. § 30. § 31. § 32. § 33. § 34. § 35. § 36. § 37. § 38. § 39. § 40. § 41. § 42. § 43. § 44. § 45. § 46. § 47. § 48. § 49. § 50. § 51. § 52. § 53. § 54. § 55. § 56. § 57. § 58. § 59. § 60. § 61. § 62. § 63. § 64. § 65. § 66. § 67. § 68. § 69. § 70. § 71. § 72. § 73. § 74. § 75. § 76. § 77. § 78. § 79. § 80. § 81. § 82. § 83. § 84. § 85. § 86. § 87. § 88. § 89. § 90. § 91. § 92. § 93. § 94. § 95. § 96. § 97. § 98. § 99. § 100. § 101. § 102. § 103. § 104. § 105. § 106. § 107. § 108. § 109. § 110. § 111. § 112. § 113. § 114. § 115. § 116. § 117. § 118. § 119. § 120. § 121. § 122. § 123. § 124. § 125. § 126. § 127. § 128. § 129. § 130. § 131. § 132. § 133. § 134. § 135. § 136. § 137. § 138. § 139. § 140. § 141. § 142. § 143. § 144. § 145. § 146. § 147. § 148. § 149. § 150. § 151. § 152. § 153. § 154. § 155. 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