

into 8 March 1617 George Gordon of Bright 20 November 1619
 Thomas Mordaunt & his servants. What it is unlawful to kill
 such an outlaw in a single combat. Mordaunt's bid. Because
 one might lawfully kill a Robber, he could not lawfully put
 a dial therefore and was adjudged to be beheaded for a
 10 June 1600 Robert Auchmutie. Naughtly committed in the
 apprehending of persons guilty of attempting to assault
 the lives of Ministers, or to Rob their houses, is Indemnitie
 but 4 pp. 2 Parl. 2 Ch. 2. And if any off^r or more persons
 Violently assault, and or only command by procla-
 mation to Disperse themselves, Continuing together beyond
 the space of an hour after such proclamation, or after
 they know it was Violently hindered, happen to be killed
 Maimed or hurt by reason of their resisting the peace
 Endeavouring to Disperse or seize them; the killing Maiming
 or hurting is no way punishable 1 G. 1 cap. 8. 83.

Necessary Comitted committed in the Execution
 of Justice:

A Mordant or other publick Robber in
 Execution of the Kings laws may lawfully kill a felon
 be offered by drawing upon him, without necessity to
 prove (as private persons are obliged to do) that he was
 in Danger of his life if he had not killed. Stat. Mart
 de Crim. Gul. de herit. cap. 2 n. 10. Mordaunt's Crim. part 1
 tit. ii § 19. Thus a Mordant or being Judged of assault
 and killing a man who had no arms; it was Judged
 Relevant to Excuse the Pannel simplicity, the
 leaving in the lawful Exercise of his office made a
 third person prisoner by a dishonourable execution, the
 man killed or, before the Pannel left the him
 offer by Violence to Rescue the prisoner, and actual
 invaded the Pannel with a sword dagger. Mordaunt
 was pleaded for the pursuer if not law allowed a Mordant
 to kill any person Resisting him in the Execution of

The name of the person who is mentioned in the margin of this page is not to be taken as a recommendation of the person or of the cause, but only as a notice that the person is mentioned in the margin of the page.

of his office: But all he can do in such a case is to break
 his sword of peace in Evidence of the Deforcement. For
 it was a Dangerous Preparative to Justice Mordants
 who are Estorded the most perverse and Malicious sort
 of Men, to kill any private person, or to draw upon people
 lives when ever they think themselves Deforc'd. The
 Common law allows no Deforce against a Magistrate, but
 where the killing is necessary to preserve the pannels
 life, or Deforcement it not a proper Deforce, but can only
 be just by way of action in which the Deforce, as a
 lawed to make their Defence, such as that the Mordant
 had not a Reason on his Breast to Discover his Character;
 or did not show the capion when a sight of it was the
 quines, or did not touch the party with his sword of peace
 3 of the Qualification that the person killed did just attack
 the Pannel with a sword dagger, and to be rejected for the
 Contrary to the Libel. In Respect it was by sword for the
 not if Mordant be sufficient for a Mordant or Deforc'd
 without offensive Weapons, to break the sword of peace;
 yet one Violently offered in the Discharge of his office
 with a Mortal Weapon, may be not in danger of his
 life, lawfully kill the Judger. For however Mordants
 in Scotland are obnoxious to the ill will of those that
 hate the Execution of Justice, but allow'd Thomas the
 Rovers against a Violent Invasion of Authority in their
 person without which the power of Justice publick & pri-
 vate, and in effectual. Mordaunt's Crim. part 1
 vater, the Interest of the Pannel and party injured in the
 Deforcement can be Recovered only by action, nothing but
 does the officer Deforc'd to found on the Deforcement
 to take off the guilt of homicide committed therein, of
 the Deforce that the Pannel was first attacked with
 a weapon cannot be rejected as Contrary to the Libel
 bearing that the person killed wanted arms; his having
 no arms being an Extrinseck Circumstance and a No-
 tative which the pursuer is not bound to provide so that
 the Pannel ought to be allowed to prove positively,
 that the other had dangerous arms in Mordaunt's said