

Jan 29 & 30. 1691. William Giff. Again it is ad found
 Rolovant to afoils is all of songs and afoils tants in a trial
 for slaugter committed by one of them in the Execution
 of a Caption, that the messenger having his B Caron
 played and his afoils tants were before Committing of
 the slaugter surrounded with armed men and there
 with death if they should offer to Execute the Caption
 31 July 1691 Keith of Scotch James Godson & others.
 A foilsior being indicted for killing a Man by a
 him down with a Muddel; it was sustained Rolovant
 to afoils is the Pannel simpliciter, that he and some
 other Soldiers being ordered out of the guard under the
 Command of a sergeant to Compose a Mob in a
 betwixt the town's men and some Dragoons quarters,
 whom the Dragoon were Mal treated and
 down; the person killed was in the Rabble which attacked
 the party of the guard Commanded out or any of them
 before the stroke was given; and the Pannel gave it
 order of the sergeant under whose Conduct he was for
 the time. Altho it was pleaded for the purfuer, that
 however the order of Commanding officers might
 ty a knocking down in Battels where it is capital
 to Disobey orders. 13th 15. It is Rolovant. No such order
 can Excuse Manslaughter which is Capital upon
 where using hath no Warrant. This found, and upon
 are obliged to Defend them upon pain of death, a
 sent out to quash a Mob disturbing the peace, or
 only so to put up, as to Disperse and secure the
 lent persons in order to punishment; without
 ing to knock down their Brains upon the spot. 6 March
 1711 William Hunt.

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The such as kill in the Execution of Justice keeping
 within the legal warrant are not punishable: If they
 Exceed the same, they are liable not only to an arbitrary
 punishment, but even to the ordinary pain of death. Thus
 where it was ordained by an act of Privy Council, that
 Meale brought from Ireland should be forted and the Boats
 where in it was found a minister of the Gospel and his ser-
 vant having after a boal with Meale was seized, and the
 seizure by the owners carrying off the Boat with the Meale per-
 fect after the owners in another Boat for recovering the
 Meale; and because he would not stop his Course when
 Commanded to do it in the Kings Name, that he killed
 being more found guilty of Murder and adjudged to be
 beheaded. In Respect the Privy Council imposed the
 his got only to seize and not to kill. Altho it was pleaded
 for the Pannel, that the Act could not be effective
 in case of Resistance without a Warrant to kill, and
 the Authorizing to finish such a Boat, Captured at Mich-
 1712. to finish all who were with 14 June 1672. Deat. 18. Me.
 gibbon. some were ordered by their officers to point
 were found guilty Murder for killing whom Rolovant
 too in the Execution of the pointing. In Respect that
 such oppression, out warrant them only to pursue a
 Rich, and not to kill. Altho it was pleaded for them,
 that Military orders are not like others which may
 be delayed or opposed, but must be effectually executed,
 and soldiers who get them near if they return re-
 infecta to shot by their Commanding officers. 3 Feb. 1674.
 Gorgifon and other Soldiers in the Earl of
 Erroll Regiment. It was sustained Rolovant to
 for the pain of death against a Rabble of
 soldiers ordered out to quash a Rabble of
 that he having after the mob was Disposed come
 behind a man who had been active in it, and while
 he was standing peaceable on the stool without
 arms struck him dead in cold blood by a stroke
 on the head with the Butt end of his Muddel. 6 March