

passion and Revenge have mounted the Name of the Lord
 Martyrs. ¶ This Modern kind of duelling is not more
 barbarous than that of old Practised by the Heathens. The
 combats in our day are their own Judg^{ts} and Executioners,
 they Upon any slight occasion are hurried into the
 and furiously attack one another without Exam^{ing} in
 Matter that occasions the Combat: whose as before the
 was authorized by the Civil Magistrate to draw their
 swords upon one another for determining some weighty
 and Important Controversie. It hath been thought in
 of duels, if it is towards and Dishonourable to let
 affront or Injury go unpunished. To put up an affront
 or to Demand satisfaction for it by the point of the sword
 Condescends a Man Unworthy of Honour
 Conversation and makes him to be looked on as a Disgrace
 and pollution to be shied out of the Company of Gentlemen
 ¶ If a person Injured in his honour, W^{ch} by Ancestors
 him the Law cannot take the affront otherwise than on
 the point of his sword: For as a Man may in Defense of
 life take that of his adversary, he may defend his own
 which is dear to him as his life, with the hazard of
 provokers life, especially if he cannot be otherwise
 saved by legal satisfaction in a Judicial way. To allow
 which it is an honour, if it is no true Valour and for that
 but passion pride and Insatiable Revenge in any to risk
 his own or another's life in a duell To fear God or Man
 is no cowardice; nor is there any true honour abstracted
 from Virtue Religion and law. It is so far from being
 a Disparagement to a person of honour to pass on
 injuries and affronts, but it is an Eminent proof of
 = than Gallantry and Bravery. Injuries if Defended by
 = sword, are no Reproach or Dishonour; if Undefended
 they are a Reproach and Shame to him that offered them
 and not to him that suffers them; because
 the Bravest men as Augustus Caesar and Charle
 Emperours and the Marshal Gironne refused to submit

the Challenge in private combats without any stain upon
 their honour: it was no test of Courage among the old Ro-
 = mans to fight with their fellow Citizens, but only to Em-
 = ploy their lives against their Enemies: & hence our Gla-
 = diators Generally Decline giving proof of their Valour when
 there is occasion to show it, they be professe of it other
 ways. ¶ When one provoked by a Verbal Injury kills
 in Defense of his honour, there is no proportion between
 the Injury which may be helped and the Reparation which
 cannot. Nor can a man wipe off an aspersion upon his
 fame by fighting, which shows him only to be Resolute
 or Desperate without being Innocent or Generous. Nay
 it works a presumption, that he was first Dishonoured
 and finding himself unable to survive the shame, thinks
 to Court death in that the lawful manner. But it is
 being presumed, that the Magistrate when App^{ed} to,
 will not refuse to Redress injuries, we ought not to take
 Revenge at our own hand. The folly or Rashness
 of Duelling having Reigned for long ages in France
 where the flower of the Nobility perished thereby the
 severe Edicts and laws made by Lewis 14 put a stop to the
 Custom.

By the Law of Scotland where a single Combat is
 fought, both the provoker and provoked persons
 liable to the pain of death and Confiscation of Moveables,
 and the provoker to the more ignominious death (see
 12 Parl. 16 J. 6. Because his guilt is the Greatest, and that
 of the provoked party lessened with a shadow of self De-
 fence. Duellists are their punis^h the ble, the North party
 to be killed in the Combat Mackenzie's Fines part 1, p. 1283
 obse^r. on act 12 Parl. 16 J. 6.

A single Combat is a duel may not only consist two
 single persons, but even two dead, the more persons
 than one be of a side. Mackenzie's Fines part 1, p. 1284
 infra. It was found sufficient to Injur a duell that
 two fought after a Challenge given by the one and
 accepted by the other.