

have drawn his sword, to furnish themselves with some
 flow of Defences. 3^d The pannels were not Overtaken
 in Acta Lieta. For an Order from the Magistrates of
 you, could not authorize them to go and Act without the
 Limits of their Jurisdiction; a Judge Extra territorium
 being considered as a private man. And the Law Concern-
 ing him and his (see Parl. C. J.) limits Sheriffs in
 the Pursuing and prosecuting it to their respective Ju-
 risdictions. Now, if the pannels were authorized in what
 they did by a Magistrate, that even with them to be guilty
 of forethought felony, by thus overtaking and executing a
 mission to kill. Further, to Observe that they had a killing
 Design, it was Conferred among them, that if they happen-
 ed to see the Major, they should prevent his getting a
 mission; which can bear no other Construction, than that
 they would punish him at their own hands. The cited
 point in the Civil Law (L. 4. de his qui ad Eccles. Confug.)
 doth not meet the case for it legitimates only the kill-
 ing a slave, which by that Law was not considered as
 man, but in bond of his Master. Albert Pleas is of opi-
 nion, that it is not lawfull for a person in fuga to resist
 him to a Judge, or his Apparitors, he has several
 limitations: and here there being neither Judge nor
 official, the Major was not obliged to surrender him-
 self to a Rabble. Duplies for the Pannels. Albeit a
 person only suspected of a Crime who hath fled, or
 who also must be declared Rebel or fugitive in order
 to Notify his guilt to the Lieges, and a person in fugi-
 ty for a Crime must be proceeded against via Juris
 hoc where the Committer publicly flees, and the
 hue and cry is immediately raised, and the Alarm
 of the town rung; the pursuer of such a Murderer
 the Law may kill him Impune, as if he had been
 declared fugitive. Because the Crime being Notorious,
 no eget probatione, the Lieges want not to be fur-
 ther perturbed. There is the same and more they

Reason for thus omiffing the killer of a Notorious Murder-
 er who hath taken away an innocent persons life, as
 there is for Immunity to the Committer of slaughter upon
 a thief or Robber who hath taken away a Mans goods:
 which is not Extending a penal Law, but the Extending
 Immunity from a crime in one case, to another more
 favourable. Now, if it were not the inherent Right of
 Mankind to kill in the hue and cry, Cain had not be-
 fore any positive Law was made, pronounced his own doom
 that every one that found him should slay him Gen. 4. 14.
 The Gloss put upon the scriptural Citations, is groundless.
 For all persons who pursue a Murderer may be justly called
 the Avenger of Blood. The Congregation declared the slayer
 the Avenger of Blood. The Congregation declared the slayer
 guilty only where he fled to a city of Refuge Num. 35. 12. 24.
 And even in this case the Major was declared guilty by
 the Congregation: being all that could follow him did
 the Congregation: being all that could follow him did
 hand. 2^d The pannels were authorized not only by the
 Law in General, and the Magistrates of Glasgow, but
 also by a privy Councillor who had an Universal Ju-
 risdiction. And there was no necessity of a written
 warrant: for as the Law concerning hue and cry and
 fugitives for Notorious Capital Crimes require
 no warrant in writs so frequently a Murderer might
 escape before such a warrant were got; and the King
 of the Common hall was Equivalent to a written
 warrant. Again, the pannels might Lawfully go
 into the Order given by the Magistrates without
 their Jurisdiction, that the Murderer might not
 Escape by flying into another Jurisdiction. Nor
 is their doing so, contrary to the Law limiting
 the Jurisdiction of Magistrates: because the Law
 is in favour of the Lieges, that they cannot be
 forced to go Ultra fines territorij; and hinder
 them not to go freely and Make their Appli-
 cation