

March 17th William Hunt. For Homo potest se Gloriar
 Intervallo; and our law for Peter Solom. Justice to which
 Dulgoris is given by Lawgivers, after the hazard is over, as Re-
 venge. Nor can a Murtherer or other publick
 want proceed to kill simply for his being Rejected in the
 Execution of his Majesty's laws without the Consent of
 1673. M. Justice of For. Law & others without being liable
 to the ordinary form of death.

Having in this Chapter Explained the Crime of
 Duelling, I come in the next chapter to treat of a
 Crime which tho' it doth not always surpass a Man's
 life, doth Exposit to a desperate hazard and
 is, viz. Duelling.

Chapp. 2.
 Of Duelling, and the giving or
 accepting a Challenge to fight.
 Sect. 1.
 Of Duelling.

Duelling in General (in Latin Duellum, quod dicitur
 bellum) is a single Combat or fight betwixt two
 Victory.

Duelling is either Judicial or Extrajudicial.
 A Judicial Duell is called a trial by battel was
 anciently performed for Expressing the truth and trying
 the Innocence of persons suspected to be guilty of Crime
 whose other proof failed. Which practice is of Heathen
 = with Extraction borrowed from barbarous Nations
 who were so fond, in doubtfull cases, committed the
 decision to the sword; and this was so general a Custom
 of terminating Differences, that even Ecclesiasticks
 Priests and Monks were not Excused from it; so
 to prevent their being stained with Blood, they were
 obliged to procure Champions to fight in their stead
 But such bloody trials are now Rejected, and deemed
 Unchristian. Vid. infra pag. 9. 761 et 899.

Extrajudicial Duelling is the fighting a duell which
 is a single Combat betwixt two, at a time and place ap-
 pointed, in Consequence of a Bar to Challenge, or the
 invitation to fight for Victory and vindicating of their Interest
 and Reputation from some Injury or affront offered to them.
 Which single Combat is Under taken Voluntarily by them with-
 out any Publick Authority.

That this Arbitrary practice is & has been both to
 Law and Reason, may be easily evinced. For 1st it being prohi-
 bited not only by the Divine and Canon laws, but also by
 the laws of Nations and the Civil laws, those who do offer
 Defiance of the known laws and Constitutions appointed
 by god in the world, show that they have no more regard
 for the life of any man than of the vilest Animals; and tho'
 they are not Masters of their own lives, as being by Under-
 take to be the Disposers of other Mens. 2nd It belongs to the
 Ministers of Justice or civil Magistrates to send not to pro-
 vate persons to Maintain Vindicta or Repair just Rights,
 and Redress Injuries; which work the Law (for ought not to
 take out of the hands of the former, and Employ their own
 in it, in open Defiance of the laws and Direct Command of
 the Justice of the Nations. 3rd It is an dishonouring the power
 of god to whom Revenge belongs; Destroying of the humane
 body which is the temple of God, and a Defacing of his Image
 and spilling that Blood for which Christ shed his. 4th
 Quarters it is a Crime against the Common Wealth, whose
 Subjects are thereby cut off; and against the friends of
 the party; who are drawn into the same Ruine as persons
 or suffer loss by his death. 5th It is in effect self Murder;
 since thereby one doth Godd deadly from an affection
 of Glory put his own life in hazard. 6th It is an Unjust
 way of Deciding Controversies; when Victory is over, more
 to strong the shield or accident, than to honour or Innocence
 for Worthier Justice nor honour hang on the point of
 Duellists swords; and those who perish in such Con-
 flicts being Reunited at their death with the
 passion