

But though the Servant may lawfully beat him that doth assault, and would beat or evil intreat his Master or Mistres; yet the Servant cannot justify the beating of another, in defence of the Father, Mother, Brother, Sister, Son or Daughter of his Master or Mistres, for he oweth no obedience or duty to any of them. See *Fitz. Bar. 73. & 102.*

P. R. 5.
P. Justific.
3.

By some opinions, the Master cannot justify the beating of him that doth assault and would beat his Servant: But the Master with a Sword, Staff, or other Weapon, may defend his Servant assaulted from being beaten, in respect of the loss of his Service. Yet Mr. *Lambert* and Mr. *Crompton* are of opinion, That the Master may beat another in defence of his Servant: But 9 E. 4. *Fitz. Bar. 102. contra.*

Lamb. 132
Crompt.
136.

Neither can the Farmer or Tenant justify such an Act in defence of his Landlord, nor a Citizen, &c. in defence of the Mayor (or Bailiffs) of the City, or Town Corporate, where he dwelleth.

Lamb. 132

And yet where the Life of any Person is in danger by beating of another, there any Stranger may lawfully resist it, and that with force, and beating of him which offereth such violence. *Vide 21 H. 8. 2. b. ubi.*

9 E. 4. 21.
15 H. 6. 31.
65.
L. b. Intr.
611.

Also the Law doth tolerate a Man to beat another for the preservation of his Goods; and therefore he that shall attempt by force and violence to take away my Goods wrongfully from me, whether they be Goods whereof I have a lawful property, or such Goods whereof I have only a possession by the bailment of another: I may justify to defend the same by force; and if I shall hurt or beat such a Person, it is no breach of my Recognizance for the Peace. *Quere*, If I shall wound him by such beating, that is not justifiable; but if I kill him, it is Felony. And in both these last Cases, it is a breach of the Recognizance. See *hic.*

§. 6.
In defence of my Goods.

If another Man will take away my Goods, I must first lay my hands upon him, and disturb him; and if he will not leave, then I may beat him, rather than he shall have or take away my Goods. *Fi.*

12 E. 4. 6.
5 H. 4. 9.
11 H. 6. 33.

The same Law is in every case, where another shall attempt by force to take away, or to put me out of possession of my Land, Freehold, Copyhold or Lease, or to stop or turn my lawful High-way, or my ancient River or Water-course leading to my Mill. In these, and the like case, if I shall disturb him therein, whereupon he doth assault, and attempt to beat me, I may justify to beat him again, as well in defence of my Person, as of my Possessions, but not to kill him.

§. 7.
Possession.

The same Law is also in every case, where an Offender is by order of Law punished with Whipping, Stocks, Pillory or otherwise, for any offence by him committed, contrary to the Laws or Statutes of the Realm: There is no Peace broken, nor any Recognizance of the Peace forfeited by him or them, which shall lawfully execute any such punishments.

§. 8.
In execution of Justice.

Lamb. 132

Note farther, that there are divers things which may be done against the Peace, and divers Offences, for which an Indictment *contra pacem* will lie; and yet the committing or doing of such Offence or Act, shall be no Forfeiture of the Recognizance for the Peace: For that the Act that shall breed a Forfeiture of such a Recognizance, must be done or intended unto the Person, as aforesaid, or *in terrorem populi.*

Therefore to enter into Lands where he ought to bring his Action, or to disseise another of his Lands,

Marr. lect.

Or to enter into Lands or Tenements with force, being without offer of violence to any Mans Person, and without publick Terror, *Crom. 136.*

§. 9.
where things done VI & Arms, break not the Peace.

Or to do a Trespas in another Mans Corn or Grass.

Or to take away another Mans Ward.

Or