

at certain critical seasons, even in the mildest government, the people are liable to run into riots and tumults. There are church quakes and state quakes, in the moral and political world, as well as earthquakes, storms and tempests, in the physical. Thus much, however, must be said in favor of the people and of human nature, that it is a general if not an universal truth, that the aptitude of the people to mutinies, seditions, tumults and insurrections, is in direct proportion to the despotism of the government. In governments completely despotic, where the will of one man is the only law, this disposition is most prevalent; in aristocracies, next; in mixed monarchies, less than in either of the former; in complete republics, least of all; and, under the same form of government as in a limited monarchy, for example, the virtue and wisdom of the administration may generally be measured by the peace and order that are seen among the people. However this may be, such is the imperfection of all things in this world, that no form of government, and perhaps no wisdom or virtue in the administration, can at all times avoid riots and disorders among the people.

Lord C. J. Holt, in *Mawridge's Case* Kelyng 128, says, "Now it hath been held, that if A of his malice pre-pensed assaults B to kill him and B draws his sword and attacks A and pursues him, then A for his safety gives back and retreats to a wall, and B still pursuing him with his drawn sword, A in his defense kills B. This is murder in A. For A having malice against B, and in pursuance thereof endeavoring to kill him, is answerable for all the consequences of which he was the original cause. It is not reasonable for any man that is dangerously assaulted, and when he perceives his life in danger from his adversary, but to have liberty for the security of his own life, to pursue him that maliciously assaulted him; for he that hath manifested that he hath malice against another, is not fit to be trusted with a dangerous weapon in his hand—And so resolved by all the Judges when they met at *Seargent's Inn*, in preparation for my Lord *Morley's trial*."