

engaged in committing a burglary in his house, on the ground that burglary is a class of crime that necessarily puts his own life or person in danger. But he has no right to shoot, or, at all events, to kill (and if he shoots at all he is very likely to kill), a flying thief or burglar unless the circumstances are such as to lead to a reasonable fear that his own life will be in danger if he pursues, leaving the burglar unharmed. If the burglar, on being pursued, shows fight, shooting would be justifiable. In my opinion, also, if I am pursuing a flying burglar in the dark, and have no means of knowing whether the next thing that may happen will not be that he will turn about and fire upon me, I am not obliged to give him the chance of firing the first shot.' A third speaks thus: 'I am satisfied now that a private individual has the same rights as a peace officer. Probably the whole thing is a good deal guarded and limited by this—that that must be the only means of capture, and that the object in the case of a private individual must be capture, and not revenge or recovery of property.' "

The many advisers of this correspondent led him pretty straight to the right legal construction—that a man may shoot a burglar in defence of himself and of his property, and also in pursuit if he can not otherwise arrest his flight. Some years ago an Irish landlord was shot at from behind a hedge and missed. The would-be assassin took to flight, was challenged to stop, and was ultimately shot and killed by the landlord. The Irish coroner's jury returned a verdict of murder; but the Irish law officers recognized the right of the pursuer, and abstained from prosecution. In any civilized country he that shoots at a burglar may expect a very large charity from any jury into whose charge he falls. A case recently tried at the Manchester Assizes in England, before Mr. Justice Grantham, is in point. The facts were as follows: An innkeeper named Higgins was charged with having at Manchester, on September 5th last, feloniously shot at Owen Riley with intent to do him some grievous bodily harm. At 2.10 a.m. on the day in question a police constable, hearing a whistle, went to the Victoria Hotel, kept by the prisoner, whom he found standing on the steps. He said he had shot Riley, whom he had found in his house. On being charged, he stated that at 1.50 a.m. he was awakened by his wife, and, after listening for a time, heard a noise down stairs. He took his revolver,