

# This is the Law



By ROBERT E. LEE  
For the N. C. Bar Association

### Murder By Necessity

An interesting and unusual murder case was tried in the highest court of England in 1884. Since both the United States and England have the common law, and there is no law in the United States to the contrary, the decision would probably be followed today in both England and America.

An English vessel sank during a storm on the high seas 1600 miles from the Cape of Good Hope. The three survivors were able to escape in an open boat belonging to the vessel. They had no supply of water or food, and the nearest land was more than 1000 miles away. They drifted for days. Once they caught a small turtle and subsisted on it for a few days. On rare occasions they were able to catch rain water in their oil-catch canes.

On the twentieth day, eight days since their last food and five days since their last water, two of the three discussed what should be done for their survival. The third member of the group was a boy seventeen years of age. He was lying on the bottom of the boat helpless, and extremely weakened by famine or by drinking sea water. They decided to kill him and to feed upon his body.

A prayer was offered asking forgiveness of their souls for what was about to be done. The boy was too weak to give his consent to be killed or to protest. A knife was put into his throat and he was killed. The two survivors fed upon the body and blood of the boy for four days.

Four days after the act was committed the small boat was picked up by a passing vessel. The two survivors were rescued, still alive, but in the lowest state of prostration. They were carried to England and put on trial for murder.

If the men had not fed upon the body of the boy they would probably not have survived to be picked up and rescued, but would have died of famine. The boy, being in a much weaker condition, was likely to have died before them. At the time of the act in question there was no snip in sight, nor any reasonable prospect of relief. There was no appreciable chance of saving life except by killing some one for the others to eat.

Notwithstanding the able arguments of counsel, all of the justices of the highest court held that the homicide was not justifiable, and that the two defendants were guilty of murder. A man cannot deliberately take an innocent and unoffending person's life for the necessity of saving his own life. If the rule was otherwise, there would be those who might use the rule as a legal cloak.

The opinion of the court said:

"There is no safe path for judges to tread but to ascertain the law to the best of their ability and to declare it according to their judgment; and if in any case the law appears to be too severe on individuals, to leave it to the sovereign to exercise that prerogative of mercy which the Constitution has entrusted to the hands of the legislature. It is therefore our duty to declare that the prisoners' act in this case was wilful murder."

The sentence was afterwards commuted by the Crown to six months' imprisonment.

### Weekly Devotional Column

By JAMES MACKENZIE

The city of Ephesus (The Revelation 2:1-7) was located near the valley of the Cayster River on the junction of the main East-West trade routes of Asia Minor. The Christian Church there was founded by Paul about A. D. 55.

The residence of the Roman Procurator for Asia Minor, Ephesus was a degenerate, depraved, debauched, cheap second-rate imitation of Rome. It was the site of one of the seven wonders of the ancient world, the Temple of Artemis (Latin: Diana), the goddess of sex. She had quite a following in pagan Asia, and still has in pagan America.

The silversmiths of Ephesus had quite a thriving business selling small pocket-size reproductions of Artemis to the tourist trade; a business which hit the skids when Paul began to preach Christ there. You may read about the resulting riot in the nineteenth chapter of the Book of Acts. Entrenched evil, then as now, was tolerant of religion so long as religion didn't hit those who were engaged in questionable business pursuits in the pocketbook. But

then as now when the Gospel began to threaten their blood money the devil's crowd bared their fangs.

You can see what the Ephesian saints had to put up with. You might expect them to become rigidly orthodox, patient, and jealous of their testimony. And so they did. They were the extreme Fundamentalists of their day.

Our Lord commends them for their doctrinal purity, their patience, and their determination to discipline those of their number whose lives were harmful to the Gospel. As far as the mechanics of the thing goes, the church at Ephesus was the perfect church.

But they had one fault: They had left their first love! Does this seem inconsistent? It is all too common today. Too many individuals and churches are so busy about the Lord's work they have no time left for the Lord Himself. For them, hatred of sin takes the place of love for Christ.

The Ephesian saints were rigidly orthodox, they believed the right things, but they just didn't love Jesus. The trouble was not with their heads, but with their hearts.

The solution to their problem was the same as the solution to the problems of the other six churches — R minus R plus R equals R. That's poor algebra, but sound doctrine. Remember when you have fallen, Repent (to repent means to be sorry enough to quit), Return to the Lord, and you will have Revival. To them also is the promise in verse seven, "To him that overcometh . . ." Notice it is to "him", not to "them". There is no such thing as corporate salvation. Churches backslide because individuals have lost their first love. Revival can come only as individuals remember, repent, and return. "To him that overcometh . . ."

This is our Lord's plan for the Christian life: not "compromise," "set along with," "surrender," but OVERCOME! Are you an overcomer?

### No Comment

By JAMES W. DOUTHAT  
Assistant Vice President, Government Relations Division of the National Association of Manufacturers

"NO COMMENT" is a report of incidents on the national scene and does not necessarily reflect NAM policy or position.

Washington, D. C.—Next Monday, November 16, month-long panel discussions on tax reform will begin before the House Committee on Ways and Means. The almost two hundred panel experts in business, university, labor, and the professions have already filed with the Committee individual papers covering 2,500 printed pages. Printed hearings will probably cover at least another 2,500 pages.

From a skimming of the papers filed one quickly realizes that there is general agreement that our war-time income tax rates are too high, and reform of the rate structure is long overdue. But even with this general agreement and all of the words of the hearings there is doubt on Capitol Hill that any meaningful tax reform will result. Instead, there is a feeling that all of these fine words might gather dust in neatly printed volumes as have the General Revenue Hearings of 1958, which covered 3,500 pages.

How could this result, The primary reason is the approach taken in setting up the current panel discussions before the Ways and Means Committee. This approach has been called various things but is most commonly known as the "loophole-closing" or "base-broadening" approach.

**Spending Plans Continue**  
This approach proceeds on the assumption that government spending will not be controlled and that spending increases will continue to eat up the revenue gain from economic growth. Federal revenues increase approximately \$1 billion from each 1 per cent annual increase in economic growth. Federal spending has been feeding on this growth for many years. This approach, therefore, would accomplish lower tax rates by eliminating so-called special provisions or loopholes from the tax laws, thus subjecting more income to tax and thereby providing a means for lowering rates without reducing existing or future revenues.

Many Congressmen say bluntly that this approach will not succeed because many of the so-called special provisions, particularly those which involve substantial revenue, are by no means loopholes but were put into the tax laws by Congress with full realization of exactly what was being done. They ask who is to make the Solomon-like decisions, which would decree that income-splitting, depletion, increased deductions for the aged, etc., will be dropped from the tax laws?

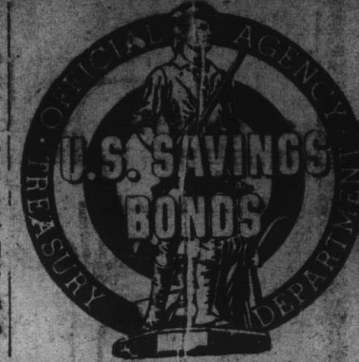
**Will Penalize Many Taxpayers**  
Furthermore, they point out, and quite correctly, that even

the "loophole-closing" approach were successful, it might mean lower tax rates for all but higher taxes for many. The higher taxes would likely hit most severely those in the middle income brackets, thereby further inhibiting the ability of our most productive citizens to provide new capital by increased savings from current income.

But there is another way: the Herlong-Baker bills would reduce rates and taxes for all taxpayers without shifting tax burdens among taxpayers and without increasing anyone's taxes. The approach in the Herlong-Baker legislation is precisely the opposite of the so-called "loophole-closing" approach. The legislation over a five-year period,

would reduce both the individual and corporate tax rates to a new top rate of 47 per cent with compression of all individual rates.

It would do this by preempting the revenue growth and would thereby insure even greater economic growth. The five-year series of forward-scheduled reductions would act as a means of spending control rather than concede that spending has no place to go but up.



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