

pay 250 marks to him upon his granting a letter of Pardon
 11 March 1631 James Seate for Rendering and Impolement
 of the Thumb of his left hand and another Impolement
 of the foremost finger of his right hand, the offer
 of the foremost finger of his right hand, the offer
 was Decreed to pay 1000 pound to the party Injured
 and three hundred Marks to the King, and to find sureties
 for keeping the peace 15 July & 2 August 1642. M^{rs}
 James Morat & Nisens, who were the fine was made the
 greater because it was a Restored transgression of
 Mutilation of two fingers of the left hand, the fingers
 were ordained to be in prison upon their own Expences
 till they satisfied the party Injured for his hurt and
 health and obtained his letters of Pardon, and their
 whole Movable goods to be Carried to the Kings use
 19 Feb. 1648 John Duncan Miller & John Dunan M^{rs}
 = man.

The law of Scotland seems to punish Dismem-
 bration by forethought felony capitally as hanging
 Act 28 Parl. 3 F. 4. But it is only to be punished
 as Mutilation arbitrarily, or by Confiscation of
 Movable and Appoyment to the party Injured
 above. or d. Act 28 Parl. 3 F. 4. This ought to be
 lightned according to the Degree and usefullness
 of the Member Lopped off, which is best known by the
 Employment of the party Injured; it being a loss
 Injury to strike off the hand of an idler man having
 no occupation wife or Children, than of an Excellent
 Artificer, as a painter, who maintains a numerous
 family by his handy work. The Justice Doctor has
 given a good satisfaction to be made to the party
 Injured, 17 for his left Member, 29 for his left hand
 31 for the trouble and pain arising from the
 wound. 21 for the Expences of the Cure. 21 for the
 Blame and Deformity occasioned thereby. All

it be essentially necessary to Mutilation, that the Member
 be totally Disabled and Rendered of no Use up to the
 Body than if it were quite cut off; it is not Equally Cri-
 minal to Mutilate as to Dismember; because the Da-
 mages and Deformity by the one is not so great as by
 the other; a Writers hand for Example having still
 the Name and Figure of a hand, while it is affixed to
 the Body. However both Mutilation and Dismem-
 bration are Canonical Excommunications and Excludes from
 holy orders in the Church of Rome; Distinct. 38 c. 2. 118.
 they did of old among the Jews Levit. 21. 17 & 19. when
 the heathen Nations Copied after in their point thro
 Natur. Hist. cap. 28. Indoc. lib. 4 Doctam. 2. Dionys. offa
 lic. Antiqu. Rom. lib. 2. lxxx. ab lxx. Div. Gonial. lib.
 6 cap. 14. Two persons for Dissembling one of his right
 finger were Decreed to pay 300 Marks of Appoyment
 to the party Injured upon Receiving from him a suf-
 ficient letter of Pardon for the Dismembration and all
 their Movable goods to be seized to the King
 15 March 1605 Patrick & Gulling off the foremost
 finger of a Writers right hand whereby he was all
 together Incapable to follow his Employment, was
 fined in 1200 Marks, whereof 100 Mark to be paid
 to the King and 1100 Mark to the party Injured, 8 & 9
 June 1680 Colin Campbell of Southburgh
 was for biting off a Mans Nose fined in 500 pound
 whereof 10 Mark was appointed to go to the party
 and the Remainder to the party Injured in satisfac-
 tion of the Cure, and all other Damages and Expences
 7 March 1707 Captain Pleaster. Prosecutions against
 one that he broke another leg by which fracture
 the leg being put off and healed the party Dis-
 membered languished and died in three months