

Mutilation in general, tho' the Libel did not Specially mention what part of the body was Mutilated or Disabled 25 June 1667 Robert Forbes because that word is cleared by the proof. A Criminal put to the horn for not giving doct. to appear, being taken with Capt. and brought to the Bar in order to his trial for Mutilation, was not allowed to make his Defence against the Crime, till he was Released from the horn, but only to Object Mutilation. The morning 9 May 1608 George Forrester. Self Defence is a good plea in a trial for Mutilation or Dis-memb- tion 27 June 1603 Edward Johnston 26 June 1721 James Maxwell of Nshland and his sons One who in presence of his officers order to seize a Gentleman Reporting that Colours did Mutilate the Defensor who drew his sword and resisted in the apprehending of him, was not found liable to the pain of Mutilation 2 December 1641 Francis Edmonston. In short what ever Defence is good against homicide is Sustained Mutilation or Dis-memb- r. Defence against Mutilation or Dis-memb- r. that the It is Relevant to absolve from Mutilation, that the person hurt is perfectly Recovered as formerly 15 December 1630 John & Gilbert Kennedys 2 November 1621 Marion Paton 6 June 1627 Alexander Harvies. But in that case the Justice will be bound to pay a fine for the Expence of the Court. It is an ordinary plea for the Expence of the Court, and the Member becomes Disabled or ^{was put off} Males Regimines. But if a wounded Member be afterwards newly cured off as Incurable, he who gave the wound may be tried for Dis-memb- r. 27 Feb. 1618 George Milne alias Wilton 19 March 1630 Mr John North, commonly that a Member is Mutilated or Rendered Impotent may be proved by the oath of the party injured, tho' the Libel may be also argued by Witnesses who saw

him info that Member as freely as before 15 December 1630 John & Gilbert Kennedys or by the sworn Declaration of Expert Chirurgeons before the Judge and Justices Robert Wolfe Crim. Cont. 3 vol. 236 n. 113 & page 197 the Drumming of ones eye was allowed to be proved by one of the party injured 28 Fe. 1643 David Rowison. And in a pursuit for Mutilation the purpose of it was to know upon the validity of the Libel at the Kings Advocates House, the Against the will of the Sinner 20 Fe. 1617 James Watt. But persons was not found guilty of the Crime of Mutilation of ones eye. Altho' the same was used to his expense a los difficult signed and subscribed by four Chirurgeons Declaring that he was Disabled to use his hand as before 15 December 1630 John & Gilbert Kennedys. If in a trial of Dis-memb- r. a hand is appear by Ocular Inspection to the Judges, that the party shall hold his hands, as in the case of Appraisement in having both his hands, to testify Attornies Receipt of having Dis-memb- r. him of a hand, Secret. Hist. Fe. 163. lib. 1 cap. 21 Russin. lib. 1 cap. 17 or if a hand said to be Mutilated appear in Ocular Inspection never to have been Disabled or to be perfectly Recovered. In any such case the Judge or Justice may by the Matter by its Holiness without further Evidence 26 July 1627 James Watt. 9 November 1647 Martin & James Watt. This one who of a Hand upon persons by presumption. This one who of a Hand was whole having with both his hands gripped one in his arms face to face, and being heard by witness that the other had bit off his nose, and immediately when he took his grip the top of his nose being found Stripped off without any cutting or trimming, and the prints of teeth appearing in the edge of the flesh that was left it was thought sufficiently evident that the nose was bit off by the persons grip.