For Arnot could not do that Injury to himself with his own teeth, and no Mortal was on the Spot where they two stood but themselves 23 December 1706 & 9 March 1707 Captain Charters. Where two persons were privately Drinking in the Room of a tavern together a noise of Wrestling in the Room heared by those without, and those offering themselves to come into the room were hindered to do it by one of the parties, and upon hearing of a second Noise having Rushed in to the room saw the other party sitting Insensible [redacted] in a Chair with his left leg broken, who some hours after when he Recovered his senses and laid the guilt of the fact on the other party who had been Drinking with him and whose order was procured for Apprehending him Flood and absconded: it was found proved by the Violent presumptions aforesaid that the leg was broken by that other partie; albeit it was not Instructed that he had any sword though Malice against him whose Leg was broken 19 & 24 March 1624 Mr John Montgomery. That a Man was seen to come in an Outrageous Manner towards another who's fingers were then or Immediately before found and Injured, and that when the Light being put out heard by that the person who so approached him was Blowing or biting his fingers, and after the Candle were again lighted and brought in his finger was seen Mangled and bleeding in such sort as it behoved to be cut off for preserving the hand from immediate Danger; was sustained to infer that such a man was guilty art and part of the Mutilation 26 June 1721 James Macwell of Arkland and his Son.

Chap.

Chap. 9.
Of Crimes and offences Committed against Good fame or honour, called Injuries.

All Crimes and Injuries in an Extensive sense: but the offence Specially called an Injury, is a Malicious Exposing ones Reputation or Character in the Road to Contempt and Shame by Slanderous words or Opprobrious deeds, or Defamatory libells, called Furtum honoris. It is the more severely punished by the law, because of its Direct tendency to a breach of the publick peace, by provoking the parties Injured their friends and families to acts of Revenge, which could not be restrained by the severest laws were there no Redress from publick Justice for Injuries of this Kind, which often times are more sensibly felt.

Because Injuries are Estimated according to the Design of the offender, fools or mad folk are not liable of dooing an Injury in the eye of the law l. 3 §1 ff. de Injur. who are Understood to have no evil Design. For fond Drunk or transported with Anger are not guilty of Grave and Verbal Injuries in that Condition if after they Recover their wits and Return to a Sober Mood they do not Use to what they Said, but Repent and beg pardon for their Extravagance l. 15 ff. de Injur. Inst. l. 3 ff. de Divort. But the being Provoked or transported with passion do not Allow for Real Injuries, which are More Durable than Words, and are Not taken away by Repentance, Jo. Voet Comm. ad Pet. ff. de Injur. n. 1. Brodie. Hann. de panis tempor. gr. 91 n. 31. Yet some Law yers don't allow the heat of Anger at any excuse for Verbal Injuries more than others Mind. Gyrig. ad Osor. 106 n. 88 Jogg. Inst. Inst. Voet. Gaill. l. 1 c. 1 cap. 33. Lil. D. in Notis

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