An Injury may be done to those Insensible of it, as to Infants fools or Furious persons l. 3 § 1 & 2 ff. de Injur. Or done to the Dead, by blacking and Reviling all their Memory l. 1 § 4 ff. de Injur. or Stopping them burial d. l. 1 § 6. Defacing their Statues l. 2 ff. eod. Raising their Bodies and Robbing their Shrouds l. 8 ff. de Relig. One is Vnderstood to suffer an Injury by what is done to those Vnder his power and assistance as to his wife Children or Servants l. 1 § 3 & 4 ff. de Injur. l. 15 § 34 & seqq. l. 17 § 10 & seqq. the the offender knows not or Mistook the husband Father or Master l. 1 § 5 l. 18 § 3 & 8 pen. & ult. ff. de Injur. It is also Reckoned an Injury what is done to the Memory of one whom he (those) Infants as their or Parents of him l. 1 § 4 & 6 ff. de Injur. l. 10 ff. de Sepulch. Viol. and Dovid. lib. 5 Tit. 6 cap. 5 Vasq. Illustr. Controv. Tit. Gil. 4 cap. 1 n. 1 & 3 Gomez. Var. Resol. Com. and Tit. ff. de Injur. n. 586. And tho the Law does not easily Vindicate Verbal Injuries done to Persons famous and profligate persons, who have no Reputation that can suffer in that sort as gl. 29 Cod. de Calumn. that Law takes in Injuries done to Children and Servants l. 15 § 15 ff. de Injur. Yet such wounds do not cause Separation of Bed or Board, but are allowed to seek Reparation of Real or Mixt Injuries done to their persons Sanch. Vasq. ibid. n. 1. Tho Injuries be not Capital Injuries l. 1 § 5 in fine ff. de Injur. Mascardus non Capital Injuries l. 1 § 5 in fine ff. de Injur. Mascardus if a Gentleman in Injury what is done to one of his Children Servants or Relations, who is not present at the time Resents it or shew any Dissatisfaction at it, but Dissimulavit, that is who did put up the wrong and passed by without forming Actions for it or take Notice of it. For he cannot afterwards sue on Recollecting Resentment l. 11 § 1 ff. de Injur. gloss. l. 75 ff. de Reg. Jur. Because words or facts and Injuries only when so taken, and if they were no Injuries at first, they cannot afterward become such. Bart. Alb.

his passing from an Injury or taking it in good part is not to be Inferred from his mere silence, if he did Discover his Uneasiness and set about it by some overt Acts of Folly or Satisfaction with the party that offended the Injury. Because one Injured may be so Circumstanced as that he dare not presently whisper his Resentment for fear of more wrong: Or may be struck with Surprise of the Injury, that he cannot speak his mind: Tacing Loquuntur Leves Ira, Ingentes Stupent.

Some things apparently Injurious Stand not Vnder the Denomination of Injuries.

Where can be no Injury Sine Animo Injuriandi for 1/ what is said or done by one to another in Jest or Sport cannot be Construed an Injury l. 3 § 3 l. 15 § 23 ff. de Injur. But then he who pretends it to have only been so must prove it. Prosp. Farinac. de Injur. & Crimin. quæst. 108 n. 127 & 128. It is no Criminal Injury what one does or says in Self Defence to another by whom he was first Assaulted or provoked Arg. l. 3 ff. de Just. & Jure l. 45 § 4 ff. ad l. Aquil. de bonis libert. l. 25 ff. de procur. l. 45 § 4 ff. ad l. Aquil. Provided the Retortion or Retaliation be Necessary and Correspond to the Injury and be presently made, that it may not favour of Revenge. V. G. One threatned by Another's holding a Cane over his head, or beat him with, may Repulse or Retaliate the Injury in like Manner with his cane. Or one who hath suffered a Verbal Injury by being called a Thief or Cheat may give the like to the offender as a Thief or Cheat. In which case the offender cannot Complain, dum non fit injuria pati quod fecerit & Frania Dolieta mutua confatione Dissolvuntur l. 39 ff. Solut. Matrim. Prosp. Farin. ibid. qu. 108 n. 313 & seqq. But if a person Verbally Injured shall beat the Injurer or