

pl. En. lib. 1. chap. 7888. One who gave up a Forge in the  
 Postroad Hall at guilty of Appropriation and theft boot and  
 whose Information my Lord Advocate brought a Criminal  
 process for these and the Crimes of Forgery and Stealing  
 having without my Lord's knowledge after he understood  
 his Lordship's inclination to Desert the Diet, Printed  
 and <sup>and</sup> signed the libel upon his own Charges, and  
 found off Malicious Gravelling and Defamings, albeit the  
 Diet was afterwards Deserted by the Lord Advocate  
 June 1710 William Kennedy of Dalgarroch, Botolph, Infor-  
 ming and prosecuting Vice Juris & Statute Proctors with  
 falsables; and the Printing and publishing Criminal lib-  
 els being illegal, the doing so after the Lord Advocate  
 signified his Inclination to Desert the Diet was a Crime  
 seeing he might have afterwards altered his Mind  
 Justified. But upon what ever Account the Advocate De-  
 serted the Diet, the Informer and publisher of the libel  
 is not concerned: only he cannot be held as a scandalous  
 libeller, seeing the Party accused did not escape a  
 recount after a judicial trial, but only by the Advocate  
 Deserting the Diet before either the Relevancy or proof  
 was advised. 5. of a Minister preaching or a layman  
 preaching doth immediately and pertinently spread words  
 where by one is charged with a Crime, styles Reproaches  
 Danvers. i. Abr. 162. coll. 1. Abr. 87. C. if a parent or  
 Master or teacher use Moderately hard words or  
 contempt to his Child or servant or scholar Gaill  
 of fore. 106. n. 6. Borlich. part 4. Concl. 66. n. 78. & Cap  
 20v. Enm. part 2. qm. 67. n. 3. such words or Chastisement  
 are not presumed to be injurious. Nor can a physician  
 who gives Improper Medicines to his patient  
 or who mistaking his Disease says he has the  
 French pox be charged as injurious, Jo. Neal. lib. 1.  
 c. 6. of Nations is also not thought guilty of injury  
 by calling Defamatory libels, because all Nations

446.  
 up to full full color. Dec. 1. 1714. And according to the pro-  
 verb false shall well.

An Injury may be Committed in the Execution of a  
 Lawful office, by transgressing the Limits of it. Thus the  
 A magistrate or Judge may for Maintaining his Authority  
 and keeping good Order Rebuke and punish litigants  
 or Pleaders or others mid behaving before him; and masters  
 or Instructors of Youth may Moderately Reprimand and  
 Chastise their profligate or Disobedient Scholars in  
 order to Reform them: Yet if these shall use outrageous  
 and spiteful Approaches toward any such persons,  
 or without cause and beyond Measure punish and  
 Chastise them, not for the Lawfull end aforesaid, but to  
 bring them Under Contempt and Disgrace, or to satisfy  
 their own private Vindictive Humour, they are guilty  
 of injuries. l. 1286. l. 32. l. 33. De injur. Reg. l. 5. 8. ult.  
 l. 6. ff ad L. de injur. l. 351. ff quod. Mod. caud. Brosp. Pa.  
 riv. de Ver. ac. Dwort. Crim. qm. 105. n. 130. & 169. Jo.  
 Post Comm. ad Gul. de injur. n. 2. 17. January 1700 Mr  
 Robert Barnichael Schoolmaster.

That only is the charge in injury which is done  
 in the presence or hearing of some body who may re-  
 port it to the prejudice of the person Mal-treated or  
 affronted. Hence Verbal or Written injuries should be  
 spoken or read or published to others in a tongue  
 that may be understood Hob. Res. pl. 63. 165. 236.  
 351. Tho some be of Opinion, that for scandalizing a  
 person in the presence of such as don't understand  
 the meaning of the words, an action of injury should  
 lie: seeing the hearer may remember the words and ask  
 the meaning from others. Yet no scandal to write  
 a scandalous letter of one and deliver it to himself  
 but if a third person be acquainted with it an action  
 of scandal will lie; Mod. Prop. 58. And Writing  
 abusive injurious Expressions against the Master of