

and Common Accusation Import Reproach; they will be so. Understood the best the speaker proved, that he used them in the more innocent sense. l. 3 C. de Inj. Jo. Co. 179. l. 11. 9. when one says that a Physician had the use of a Room and Body, that will be infered proof of an Unlawfull use, and not that he had the use of a physical for Danvers, 1 Abr. 140. 14. In which case, ^{public} of an Innocent Meaning is not required, it being sufficient with his own oath of Exculpation in support of him, and sufficient to bring him off. Borch. ibid. n. 9. l. 2. de Legg. Carproz. ibid. n. 3. & Legg. It doth not serve to justify a Verbal Injury, that the Words were uttered with a good face of the words as if one should call another a thief or Robber having his honour, or protesting at the same time that he had no Design to injure him. Jul. Clar. l. 6. d. 5. Injuria n. 13. Prosp. Farin. de Ver. ac. Duvos. Crim. q. 105 n. iii. C. 112. Jail 2 observioi. Because such an Injurious inconsistent protestation doth rather increase than alleviate the Reproach.

Whether Verbal Convicij excusat Injurious in a point ^{public} which Prosp. Farinacius Crim. n. 219. de Legg. relates this to various opinions besides a bad one. But I shall content my self to resolve the question thus. If one is Reproached with an Injury which public Justice hath to do with, as a Crime which ought to be punished, the Reproacher cannot justify for what he is presumed to have done out of a good Intention. l. 11. de Inj. l. 3. C. de officio Rector. Province whether it was before a Judge or Not. But it Matters not for the vindication of a Reproacher, that what he charges and with it tries is done out of pure Malice to slander or Injure, without any Imaginary regard to public Justice, that hath no concern with the Discovery.

with some Hypocrites whose one is Reproached in his person or is Reproached by being called a Bastard, or charged with some Crime for which he hath suffered the pain of law, or obtained the Kings Pardon, Comes. 3. Var. de Sol. cap. 62. 2. Trachin. Contravert. l. 6. cap. 10. Borch. Part 4. Conn. lib. 671. 31. Jul. Clar. Fontenti. l. 3. 5. Injuria n. 10. Jail 2. obs. 1. 299. Carproz. Crim. part 2. qu. 96. n. 73. & 79. Jo. V. de Off. comm. ad Jul. de Inj. n. 9. 10. Borch. 5. Rep. 125. Because in a case of this Government, such as find themselves injured, find the rest of Injurious in the ordinary course of law, and not take revenge at their own hand by the odious Practice of Reviling, against the several thoughts, words of if tolerated, the good name and Credit of the best and most innocent persons could not be preserved. Thus the greater appearance there is of truth in any Malicious imputation, so much the more proved in it. Reproaching whose one Reproaches and how as guilty of that in law, Discovery whose of the Government may find it just, to be made prove the charge, or be liable as a scandal upon his lands. Decis. lib. 5. Tit. 8. de Sol. Jo. Vool. ibid. n. 9. Nor doth it exculpate him, that there was a public Rumour of what he said, being public it cannot be not proof so sufficient proof, but only an Admirable argu. 352. It doth lib. 5. Jo. Vool. ibid. which is often founded on Maliciously spread. Tho' some lawyers are of a different sentiment. Int. Taber. God. lib. 9. Tit. 20. de Sol. Jul. Clar. 5. Fern. Quelt. 62 n. 8. Carproz. de f. Propon. 5. part 4. Const. 42. de f. 5. Far. lib. doth suffice for his Exoneration to blame his Author from whom he had such a Report, being by so doing he only discovered an Accomplish in the offense Equally guilty as himself. Carproz. Crim. part 2. qu. 96. n. 678. Borch. part