part 3 Conel. 65 n. ult. Jo. Vool ibid.

A Real Injury is a fact without words done by one
with Intention to Disgrace Another which may be com-
mitted Innumerable ways: as by painting him in fool
Colours or with asses ears; by fixing a Gallows, Pillor
horns; or any other shamefull sign at his door; by Ush
some Indignity to his person as the giving Mediamanibus to
affront him, Spitting in his face, whipping him pulling
out the hair of his head, Striking him with a cane, or lift
up a cane to strike him Nam et Manu quasi percussisse pro habe-
tur Vide mus; a scaulting him with dogs and Hue Act 9
Parl. 6 K. or by Gestures or Motions of the Body to Ri-
dicule him or by procuring him to be unjustly Arrested or
Incarcerated; or by hindering him to use what is his own
as by removing his seat in the Church, Defacing his
coat of Armes or by following an honest Woman, to Mo-
lest or suspected of harlotry, or by Attempting her Chastity
Bosp. Carin. de Var. ac Divers. Crim. qu. 103 n. 469. Bor
lich. part 5 Conel. 59 n. 868 Legg. Conel. 67 n. 81. 52.
Jo. Vool Comm. ad Git. de Injur. n. 7. Mackenzie Crim. pr
i Git. 30 83 l. 15 pr. 81. 22. 23. 27. de Injure. l. 15 i ff de
Extraord. Crim. 88 Inst. de Injur.

A written Injury (called Famosus libellus, a Skan-
dalous or Defamatory Libel) is a print, or Writing or
Inscription Composed and Published to Disgrace
person, and possess men with a bad opinion of him
or to Expose him to publick hatred Contempt or
Ridicule. Scurrilous libells posted up for
publick View to the Disgraceing of persons, and
termed pasquils or Padquins, from Pasquillus
or Pasquinus a Roman Tailor famous in

day for such Injurious Railery. Such Injury is greater than a
Verbal Injury, Loving Literæ scripta manent, a libel will
Remain when transient words or facts are forgotten some
will have a Written Injury not to be punishable, if the
Author be known or set his name to it, Carpzov Prim.
part 2 qu. 98 n. 28 & Legg. Because a Concealed person
may slander more Dangerously and with greater free
dom than one who is known. But others more Reason
ably hold, that one owning or setting his name to a slan
derous paper, does not alter the Nature of it, or Make it
less Criminal than if it had come for the Anonymus Porbel.
part 4 Conel. 67 n. 37 & Legg. Jo. Vool Comm. ad Git. de
Injur. n. 10 Unless it could be supposed, that one who com
mitts a Crime in an open daring and avowed Manner, is
more Excusable than he who out of Hand & little Regard to law
and the punishment thereof commits Clandestinely. He
who Contrives or causeth Contrive, or doth publish a libel
is held to be a libeller Carpz. Qu. Resp. 57 as if he had dictated
or affix it, or caused the same to be done Mackenzie Crim.
part 1 Git. 30 85. Qho making a Defamatory libel is ac-
counted the Never published. Suppose one who accuses a
Woman to a Kirk Session and the Father of a Child she
had brought forth, having caused her subscribe a Decla-
ration in writing Dictated by himself, bearing that
Another man and not he was the father of it, was some
punishable, albeit he never published the Declarati
on and the Woman her self accused that Man before
the Kirk Session. August 1710 Charles Isaackson and
Robert Forrest. Where one Dictated a Defamatory libel
Another Writes, and a Blind approves of what is Writ,
all are guilty of Making out it, no matter to what purpose
Sometimes one Writes or Reads after Another, but to shew
his Approbation of the Contents, and the Better fix