

for it in his Memory, that he may Communicate it to others
 and those who Express an Unlawful Act, are guilty
 of Treason. Parin. de Ver. ac Div. q. 103. n. 443. 44
 3 Mod. Rep. 167. Hawkins p. 6. c. 1. ch. 73 § 10. If one
 who hath either Read a Libel, or heard it Read by another
 do afterwards read or Repeat any part of it in the presence
 of others, or lend or show it to another, he is guilty of an
 unlawful publication of it, Hawkins ibid. It hath been
 holden, that he who repeats part of a Libel in Marriage
 without Malice, and with no purpose of Defamation, is
 no way punishable deo supra pag. 442. But it is not
 that the Reasonableness of his opinion may be put in ques-
 tioned; for parts of this kind are not to be Evidence, and the
 Injury to the Reputation of the Party injured is no way
 redress'd by the Meritment of him who makes the
 Copy of it Hawkins ibid. § 74. The giving a printer to print
 a scandalous pamphlet, is sufficient publication there-
 of; albeit it was given in to the printer with this pro-
 vision, that he should not vend or expose it to any
 out a Licence from the Chief Magistrate of the place
 11 March 1712. Mr James Dineoff Younger of Street
 town. Because he may either print or cause to print
 but what he intended to publish. And upon pretence of
 such a caution (which is in effect prohibition) no
 rial facts) printers or causes to print should be except
 a door would be opened for all publications: for every
 person meddling that way would, to cover his Malice
 give a Verbal and seeming Caution. It is however known
 Custody the written Copy of a Libel, published, know
 is an Evidence of the publication of it Hawkins ibid.
 § 13. And where one writes a Copy of a Libel, knowing
 it to be a Libel, it is a great Evidence that he
 published it, unless he take off the presumption by
 proving that he delivered it to a Magistrate to be
 examined, which shows, that he did it not Animus Defamandi

456.
 Coke 9 Rep. 59. b. Hawkins ibid. § 10. But he who gives
 the contents of another, without his owning it to be a
 Libel, or who hearing a Libel read by another laughs at it,
 or who only says, that such a Libel is made upon such a per-
 son, whether he speak it with or without Malice, or who
 is only proved to have had a Libel in his Custody; or, if
 not in respect of any such Act to be adjudged the pub-
 lication of it. See 9 Rep. 59. Hawkins ibid. § 13. For before one
 reads or hears a Libel, he cannot know it to be a Libel, for
 purpose of hands should not be accounted as Evidence that one
 with a Libel; Bish. Gray. 64. 65. Hawkins p. 6. c. 1. § 2.
 Chap. 46 § 13.

By the law of Scotland ordinary verbal injuries done to
 private persons, as the calling a Minister perjured, &c.
 1613. David Dog are punished by the Commissaries, and of
 first priority, Malice upon the offenders, and Malice
 done to Persons at Church doors, or misse them from
 to a Parodia or Recantation in the place where the
 offence was given, and also, as the same persons then pro-
 sent; or if the Matter of the Report be true, and the
 Malice be good, pardon of the injured for his Defama-
 tion in uttering it. Post Comm. ad Gil. ad Regul.
 117. Which is no Insuperable punishment: for
 Nullus graviter afficitur, quam qui a supplicium poni
 tentia traditur, fornicia h. 6. § 20 via exp. 26. And such
 Actions are not to be advocated from the Commissaries,
 nor the Penalties inflicted by them Modified. Men
 218. Part 1. Gil. 30. § 6. But Verbal Injuries done
 to Magistrates and Judges are tried in the Criminal
 Courts, where for such offences to condemn the offen-
 ders to the Pillory, with a paper on their breasts
 carrying their fault, and to have their tongues bored