

admitted others into the Room to see him in these Circumstances, all Separation Relevant to infer an Arbitrary punishment. And they being found guilty of the fore-said Attraction by an Assize, were adjudged to be flogged by the Common Hangman on a certain day: but were allowed to Reason themselves from that ignominious punishment by each of them paying in some time before that day 120 pound to the Clerk of Court for the Use of the Party Injured in name of Damages and Expences 18882
 January 1722 James Campbell of Birnbank & George Mackay, a persons Having Induced a Maid wife by Seduction with her husband, to Drink brandy, peppor and other strong liquors till she was Intoxicated and made all her self her sensible, and put to bed to her in that Condition a Man not her husband, who in the night of Violence provided for the purpose either actually to ravish her or made show as if he would about the Town, and thereupon causing a rape and Executions in mind of Divorce Against her, and Consulting a lawyer whether a proof of such as he had furnished would be effectual to obtain the Divorce, was Justified Relevant to infer an Arbitrary punishment 28 March 1721 James Campbell of Birnbank & the facts aforesaid being found proved against him by Verdict of an Assize the Lord 31 March 1721 Declared him Infamous, and Incapable of Bearing and Enjoying any publick office or trust within Scotland, and of further Benefiting him to one of the Kings plantations in America for ever, and in case of his Return to Scotland after his brand portation, did ordain him to be committed to prison during life. When a person was found guilty of a Real Injury done to a boy of ladies Ward of 17

by cutting off almost his right ear with a pocket knife or the like Instrument; the Indictment was held Relevant to infer an Arbitrary punishment, and to be proved by the following Circumstances Jointly, viz. that there were previous Animosities betwixt the Party and the Boys father; the Boy was seen to have good imperfect Health without any Appearance of Hurt up on him to a certain degree; years before with trouble, and immediately thereafter Prised of a Murder and for he is removed from it; then the pannel was seen to go from the said place; immediately likewise for the boy Retired with his ear cut and bleeding and informed that he had so abused by the Pannel; and No person was seen at the said place at that time Except those two 9 January 1719 William James of Gristonine. One having been visited or wounded another with a staff or Ring over the head and other parts of his body to the Effusion of his Blood and Danger of his life, was found Relevant to infer an Arbitrary punishment Damages and Expenses. But for alleviating the fore-said Crime and punishment, the Pannel was allowed to prove, that before he struck the Complainor, he the Complainor laid hands on the Pannels wife, and was wrestling or twisting her arms 23 June 1723 John Haggons. That a man libell'd by the Civil law is punished with the death l. un. l. de famos. libel. But now the punishment of a Defamatory libel is every where arbitrary, Croonweg. d. d. l. un. The fact is at present in Scotland. Thus a person for publishing publishing and disseminating a scandalous libel against an inferior Judge was not only ordained Instantly to be taken into custody in face of the Court of Justiciary, that he was