was in the wrong in so doeing, and to crave pardon of the Court and of the party offended; and to appear at another Court day before the Judge offended, first bring in Judgment in his own Court, and there repeat the Acknowledgement and beg his pardon; but also was ammerciate in 1000 pound to be paid to the said party Injured in name of Damages and Expenses 3 July 1710 William Gregusson & Richmond Clerk Accused to a Justice of Peace by a woman as the Father of her Child, having by giving her Money prevailed with her to sign a Declaration in writing declared by himself that a Forlorn & Ill Married man, and not he, was the father of it, and so guilty of a fact Inforcing the Penn of Notour Adultery; he was found liable to an Arbitrary punishment at Court. The Declaration was not produced: In Respect it was Supposed to be in the hands of the Parish, and the matter of fact therein was offered to be proved to the Jury; and he ought to have sought Justification in a legal way, and not by Force & Violence &c. Robert Corry 1 August 1710 Charles Jackson & Robert Corry 3 Sept. 1710 made Penny without Benefit of Clergy Exchanged to Londan

By the Laws of England, Defamation Concerning Matters Merely Spiritual, as for calling one Heretick Schismatick Adulterer whether by or without Writing may be Sued in the Ecclesiastical court for punishing the Sin pro Salute Animæ; where all Proceeding as Officers is for the King, and his Majesty may pardon the Suit. But Defamation Touching Temporal Matters, or for Reparation of Damages, the Defaming person and in their Spiritual Concerns belongs only to the Cognizance of the Temporal Courts Coke 4 Rep. 20 Rep. 5. In which Courts Defa-

Defamation may be sued by Indictment at Common law, or Information, or by an Action on the case. An Indictment or Information will ly, where an Action on the case will not, the Latter being no Prosecutoria, a Remedy for Recovery of Damage for Loss sustained, and so not Consistent where there is no Loss to the party; whereas Prosecution by Indictment or Information is calculated as Vindictam publicam, in order to punishment by Fine and Imprisonment, by the Pillory, by wearing Papers Signifying the Fault, or other Corporal punishment as to the Court in Discretion shall seem proper According to the Merit of the Offence and Circumstances of the Offender. Thus the Calling a Justice of Peace Ignorant Fool, Ass or Coxcomb, is not Actionable, Unless the party have a Particular Loss; But is Indictable as a Scandal on the King for Appointing an Unworthy Justice of Peace 3 Mod. Rep. 139. No Action on the case will ly for Reading to any person a Scandalous Letter Reflecting on him selfe, since he received no Injury till it be published. But this may be punished by Indictment or Information at the Kings Suit as Directly tending to a breach of the peace, Moor 627. 821. 2 Brownl. 131 Rob. 62. 213. Raym. 201. Popk. 140. Hawkins pl. Cr. lib. 1 chapp. 73 § 11. In an Action of the case for Slanderous Words, the Defendant may Justify that the Things Charged are True: but in a Prosecution by Information or Indictment, it is not Material whether the Matter of the Libel be true or false, Rob. 20. 253. Moor 627. Hutt. 120. and great Inhibition of this Court in prohibiting Libels against persons &c to restrain men from indeavouring to make themselves Judges of Complaints, and to settle Court. 2.

Of Extraordinary Injuries.

Extraordinary Injuries are such Considered by the Law as Suit. 1st with Respect to the place where they are Committed. 2d In Regard of the person offended. Suit