

H. Adan.

By the Civil law Action of Verbal Injury proscribed in a Year l. 5 C. 8. Juris. Go the 1st ind. l. 5. Which Runs from the time that one know he was injured, or can be put for Reparation. J. Wood Comm. ad Gil. l. 1st Juris. n. 21. Brunsden. in l. 5 C. 8. Juris. sub. Mathe. de Crim. lib. 4. fol. 4. Cap. 1. n. 17. But Real and Written Injuries proscribed only in 20 Years Go the 1st ind. Stat. Mathe. ibid. n. 18. & 20. J. Wood. ibid.

Injuries may be Divided into Ordinary and Extraordinary Injuries; both which are either verbal or Real or written.

Tit. i.
of ordinary Injuries.

A Verbal ordinary Injury is a Reproach by Words thrown upon a person Directly, or Indirectly. Reproach is thrown upon a Man Directly, by calling him a Thief or perjured or a Murderer or forger; or liar, or impudens man by calling her a Whore or adulteress; or by a Man boasting that he lay with another's wife. Gil. l. 1st de Crim. lib. 5. §. Injuria n. 1. Lambard. Prae. Rev. Crim. Cap. 136. Carpent. Crim. part 2. qu. 96 n. 33. Reproach is also thrown upon a Man Directly when he is slandered in his office or place of trust, or in his profession or Trade whereby he gets his living. V. G. by saying to a Judge that he is a corrupt Judge; or to a Minister, that he hath preached lies in the pulpit; or to a trading Merchant that he is a Bankrupt; or to a Gentleman at law or Attorney, that he cheats or betrays; or in the Bishop's of his calling Cook & Rep. 16. C. 1. Roll. Abri. 3. 3. 57. or to a Doctor of Physick, that he

is Ignorant or a quack or a base fellow; Roll. a bid. & a hel Approach is thrown upon a Man obliging when one says to another, Did you bestow the horse you stole from such a man? Janors; i. Abr. 101 which is a flouting him with threat or I know my self, and I know you, I never bagged a Mare 2. Lamb. 150 which is an Imputed accusation of Scurrility; or when overlooking in another's face says, I am not a Minister or when at some body's or ironically by says, You are an honest man; or you are a chaste woman; Carpent. Crim. 358. C. Wood Comm. ad Gil. l. 1st de Crim. n. 8. Where the Injury is proved from the speaker's professed meaning (but not said to others with the want of these virtues. And by such flattery and oblique ways any person may be slandered.

Upon pleading what Expressions will bear an action of slander, it is to be observed, that the words must be plain and sensible, and not strained by Argument or Construction to support it, Cook & Rep. 15. Words are taken in that sense which they have in the apprehension of wise Men, or the people of the place where they were uttered, so that the same words may be actionable in one County and not in another. Whether words were spoken Animus Injuriandi with a Design to slander, or not it is to be gathered from Circumstances, V. G. Words that bear allowance of no good Meaning, and when one is called a Thief for a Whore, and professed to have been uttered with an Injurious Intention Good. Farin. de Ver. ad Div. Crim. qu. 105 n. 117 Carpent. Crim. part 2. qu. 97 n. 2. Gaill 2. obfero. 106 n. 116 Barlich part 4. Bond. 60 n. 3. Words that do not of a Double Intention, and to be taken in the Milder sense Arg. l. 51. If profecis. J. Wood Comm. ad Gil. l. 1st de Crim. n. 20. Cook & Rep. 17. and the speaker or allowed to purge himself by declaring his Intention l. 5. §. 5. de Crim. Bond. ibid. n. 18. But if such Ambiguous Words do in their proper