

\* \* \* Lord Kames reports the same case :

No 3.

IN a suspension of a decret, obtained at the instance of a Procurator-fiscal, for a riot, notwithstanding of a disclamation made by a private party, the LORDS made no doubt but that a Procurator-fiscal may pursue *ad vindictam publicam*, and were clear, there is no parallel betwixt the case of a Procurator-fiscal of a Commissary-court, in the case of scandal, and of a Procurator-fiscal suing for a breach of the peace; that *dissimulatio*, abstractedly considered, is not a good answer to a Procurator-fiscal pursuing *ob vindictam publicam*, seeing he may pursue both parties; but then, upon perusing the proof, they found, that this was but a drunken squabble, in which the public is very little concerned, and that it was officious in the Procurator-fiscal to intent a process in such a case, and therefore suspended the letters *simpliciter*.

*Fol. Dic. v. 1. p. 232.*

No 4.

1738. November 8. FERGUSSON *against* The PROCURATOR-FISCAL of Carric.

ALTHOUGH a libel, at a Fiscal's instance, upon a crime of a public nature, was only for his interest, without bearing for himself and his interest, he was allowed to carry on the process, notwithstanding the disclamation of the private party.

*Kilkerran, (DELINQUENCY) No 3. p. 156.*

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## SECT. IV.

### Scandal.

1708. December 31.

MR CHARLES JAMES, late register of the North British ships, *against* RICHARD WATKINS, Stationer in Edinburgh.

No 5.

A libel of scandal should be special as to persons, time, and place. The giving

MR CHARLES JAMES being turned out of his employment by the Commissioners of the Customs, upon information given to them, that he had drunk heartily to the Pretender's health, under the name of K. James 8. about the time of the late designed invasion, he raised a process of scandal before the Commissaries