

bring forward their cases well and thoroughly prepared, but not overloaded. The Jury Court is an experiment, and it will shake the confidence of the country in the verdicts of Juries, if we grant new trials as easily as we receive reclaiming petitions. It will also double the expence, as in any case of mismanagement like the present, a new trial could only be granted on payment of the expence of the former trial. The rule as to the expences may be different if it is granted on the ground of misdirection.

PATTERSON'S
TRUSTEES
v.
JOHNSTON &
HUSBAND.



PRESENT,

THE THREE LORDS COMMISSIONERS.



LANDLES v. GRAY.

THIS was an action of damages for slander.

DEFENCE.—The accusation is false.

The pursuer is a fish-curer in Perth, and rents considerable fishings in different rivers in Scotland. As he did not reside in Perth, it was necessary to employ some one to manage his business there, and he accordingly entered into partnership with Mr Proudfoot, who was

1816.
July 18.



A person using the same defamatory expression to two individuals at different times, one witness swearing to each time is sufficient.

LANDLES
v.
GRAY.

to have one-eighth share of the business and a small salary. The nature of the case will appear from the following

ISSUES.

“ Whether the defender did, in the month
“ of January 1815, or since that time, in con-
“ versation with Thomas Proudfoot, the pur-
“ suer’s partner in trade, on the North Inch
“ of Perth, or other places, express his regret
“ that Mr Proudfoot had any concern with
“ the pursuer, as he, the pursuer, would cheat
“ those connected with him, in accounting for
“ the prices of the fish belonging to the con-
“ cern at the London market ?

“ Whether, at or about the time and places
“ foresaid, the defender used the same lan-
“ guage, or language of nearly the same import,
“ to David Burns, tacksman of fishings in the
“ river Tay ? By all which the character of
“ the pursuer has been greatly injured.”

“ Damages are laid at L.300 Sterling.”

When the first witness was called, it was objected that he had acted as agent.

LORD CHIEF COMMISSIONER.—Call the witness to ascertain the fact, and then you may take your objection.

LANDLES
v.
GRAY.

We are also of opinion that the slander in this case is actionable.

No special damages have been proved, and vindictive damages ought not to be given in any case.

Verdict for the pursuer, damages L.50.

Jeffrey and Fullarton, for the Pursuer.

J. A. Murray and D. Dickson, for the Defender.

(Agents, John Orr and Robert Stewart.)

PRESENT,

LORDS CHIEF COMMISSIONER AND GILLIES.

ROSE v. GOLLAN.

1816.
July 19.

L.900 assessed
as damages for
breach of pro-
mise of mar-
riage.

Hogg v. Gow,
27th May
1812.

THIS was an action of damages for breach of promise of marriage.

DEFENCE.—Till lately this was not considered actionable. It is no ground of action among persons in the lower ranks. This was an attempt to inveigle the defender to marry the pursuer. She was engaged to marry another at the time of her correspondence with the defender.