

1819.

CAMPBELL'S  
TRUSTEES  
v.  
CAMPBELL.

therefore, may apply to any fishing village on the opposite side, of which there are many.

*Pleaded for the Respondent.*—1st, The respondent has an indisputable right to the ferry of Dunoon, in all the extent to which it has been exercised in time past, whether by himself or his ancestors; and from time immemorial this usage has extended to the point of Kirn.

2d, Independent of such usage, he is entitled, at common law, to interdict and put down any ferry which is attempted to be established so close in his vicinity, as necessarily to interfere with his ferry.

3d, Besides, by their charters, the appellants can show no right to set up a ferry at the Kirn; while, by the respondent's grants and charters, there is an express right of ferry conferred.

After hearing counsel,

It was ordered and adjudged that the said interlocutor of the 18th January 1815 complained of be, and the same is hereby affirmed: And it is further ordered and adjudged that the other interlocutors, so far only as they are adhered to by the said interlocutor of the 18th January 1815, be, and the same are hereby affirmed, and that the appeal be dismissed.

For the Appellants, *John Clerk, John Cuninghame.*

For the Respondent, *John Cay, Henry Davidson.*

1819.

MEEK  
v.  
MITCHELL, & C.

THOMAS MEEK, Writer in Glasgow,

*Appellant;*

THOMAS MITCHELL & COMPANY, and  
JOHN HARPER, Thread Manufacturers  
in Glasgow,

*Respondents.*

House of Lords, 26th, April 1819.

ACT—CONTRAVENTION OF—ILLEGAL SEIZURE.—The Act 28 Geo. III. c. 17, made certain regulations in regard to the manufacture of linen thread, otherwise called Nun's thread, and the respondents, manufacturers of that thread, were alleged to have committed a breach of these regulations. Held that they had committed no breach of these regulations, and ordained that the seized thread be restored, reserving claim for damages as for an illegal seizure. Affirmed in House of Lords.

This was an action brought by the appellant, as procurator-fiscal of the Justice of Peace Court of the Lower Ward of

Lanarkshire, founded on the provision of an Act of Parliament, 28 Geo. III. c. 17, in regard to the manufacture of linen thread of a certain fineness, which Act fixed the size of the “reel used in reeling or making up that kind of thread commonly called ounce or nun’s thread,” and also fixing that it “shall be one yard or thirty-six inches in circumference,” and declaring that any person who shall use, in reeling or making ounce or nun’s thread, a reel less than one yard or thirty-six inches in circumference, should be convicted of an offence, and subjected in the forfeiture of the thread and the penalties of the Act.

1819.  


---

MEEK  
v.  
MITCHELL, &c.

The respondents had been charged with committing a breach of these regulations, when the present complaint was brought before the justices. The thread so manufactured was ordered to be taken possession of under a warrant.

The petition was allowed to be answered, and when advised, a proof ordered and judgment pronounced, and in an advocacy of this judgment to the Court of Session, the Court pronounced this interlocutor:—“Upon report of Lord Glen-  
“lee, Ordinary, and having advised the mutual informations,  
“the Lords advocate the cause, find in terms of the inter-  
“locutor of the justices, that the thread as made up and sold  
“by the defenders, is not contrary to, nor any evasion of the  
“Act of Parliament libelled on; therefore, ordain the seized  
“thread to be restored to the defenders respectively; assoilzie  
“them from the conclusions of the action, and decern: Find  
“the pursuer liable in the expense of procedure, both in this  
“Court and before the justices, and remit to the auditor to  
“report on the account thereof when lodged: Find it un-  
“necessary to pronounce any deliverance on the petition and  
“complaint for the defenders, and reserve to the parties to  
“be heard on the question of the legality or illegality of the  
“seizure in the action of damages brought by the defenders  
“against the pursuer.”

May 26, 1814.

On reclaiming petition the Court adhered.

Feb. 15, 1815.

Against these interlocutors, the present appeal was brought to the House of Lords.

After hearing counsel,

It was ordered and adjudged that the interlocutors complained of be, and the same are hereby affirmed, with £50 costs.

For the Appellant, *Sir Saml. Romilly, Andrew Skene.*

For the Respondents, *Fra. Horner, Jas. Grahame.*