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 swearing to 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.

U. 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 conwersation with Thomas Proudfoot, the pursuer'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 concern at the London market?

"Whether, at or about the time and places foresaid, the defender used the same language, 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.

Proudfoot swore to the slander stated in the first issue. Burns to that in the second.

Jeffrey opened the case for the pursuer.

Murray, for the defender, contended, That the facts stated by the witnesses were not true, and were not proved. By the law of Scotland, two witnesses are necessary to prove a fact. Where there is one witness only to each of two facts, there must be circumstances connecting In this case there are no such connecting circumstances. No malice or probable cause for the slander is proved; and in England, (from whence Lord Stair says we borrow- Stair, I. 9, 4. ed our law of slander,) proof of malice is indispensable.

Stair, IV. 43, 1, 2, and 3. Hume, IV. 231.

Lord Chief Commissioner.—The defender having brought no evidence, the facts stated by his counsel must be thrown out of view. We, are all of opinion that the two witnesses, though swearing to different facts, are sufficient, in law, to prove the slander. It is for the Jury to determine whether the testimony of the witnesses is sufficient to satisfy their consciences. Nothing has been stated to discredit the witnesses, and there is nothing either, in law or fact to make us doubt that the slander is proved.

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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 Kobert Stewart.)

PRESENT,
LORDS CHIEF COMMISSIONER AND GILLIES.

1816. July 19. Rose v. Gollan.

L.900 assessed as damages for breach of promise of marriage.

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.