

FIFE *against* ———.

FIFE pursued one of her neighbours for damages, for saying that she kept a house of bad fame; her neighbour averred it was true. A proof was allowed, and having proved the fact accordingly, the defender was assoilyed.

In the case of

PROVOST HAMILTON *against* RUTHERFORD,

the Court, in the beginning of the cause, did refuse to allow a proof of the *veritas convicii*. But afterwards, especially when the conclusion *quoad* the public was passed from, and that the pursuer restricted his libel to damages, they seemed to wish that they had allowed it; but they could not, the interlocutor having become final.

See also *5th December 1738, Gordon*, observed by Home; and Blackstone, *B. 3, c. 8, § 5, and B. 4, c. 11, § 13.*

1776. *August 8.* SCOTLANDS *against* THOMSON.

IN an action for damages, Scotlands against Mr James Thomson, minister of Dumfermline, on account of defamation from the pulpit, accusing them of betraying their party in the burgh, receiving bribes, &c.; the Lords pronounced this interlocutor:—"20th December 1775, In respect of the improper conduct of the defender, Mr James Thomson, unsuitable to the character of a minister of the gospel, contrary to the decency, dignity, and purity of the pulpit, and highly injurious to the pursuers, Find the said Mr James Thomson liable to the pursuers in damages and expenses, of which ordain a condescendance and account to be given in; and in this case refuse to allow a proof of the alleged *veritas convicii*."

And this day, 8th August 1776, they adhered, modifying the expenses to fifty guineas; and as to damages, "in respect of the behaviour of Robert Scotland, giving him only L.5 of damages, to the other two jointly L.25.

1767. SUMMER. JOHN SINCLAIR of FRESWICK *against* The JUSTICES of CAITHNESS.

CERTAIN Justices of the Peace, in the county of Caithness, in the course of a proceeding against one M'Beath, who was servant to Mr Sinclair of Freswick, Sheriff of Caithness, and one Thomson, took an opportunity of throwing out injurious allegations against the Sheriff, who was no party to the process; and particularly, in their sentence, they went out of the cause before them, and