

Skinner, and, having raised a furthcoming before the Court of Session, a competition followed betwixt them and Craig, another creditor. Objected to the decree of the Admiral, and arrestments on the dependance,—Void and null:—*1st*, His jurisdiction is confined by his commission from the Town of Edinburgh, who derived their authority, by a grant from James the Sixth, to the town and port of Leith, whereas the arrestees live in Edinburgh; *2dly*, His commission is limited to maritime causes only. The answer to these objections was, immemorial custom. This led into an inquiry concerning the practice.

As to the first point, they condescended on several instances before the 1747, of decreets, in maritime causes, pronounced by the Admiral of Leith over the inhabitants of Edinburgh; but more after.

As to the second, they condescended on six instances of mercantile causes decided by the Admiral of Leith over inhabitants of Edinburgh, from 1667 to 1676, and on twenty from 1747 to 1771, thirteen of which, indeed, were in absence.

The Lords, 5th March 1772, “ Found the proof of the exercise of the jurisdiction sufficient to support the arrestments used by Messrs Jamesons; and therefore preferred them.”

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1763. July 27. DAVID DUNLOP *against* — ALISON.

IN an action for damages on account of verbal injury, besides the decisions, *Auchenleck* against *Gordon*, 4th March 1755, sustaining such processes competent before the Court of Session, and even before Justices of the Peace; another instance occurred of a mixed nature, both real and verbal:—David Dunlop, merchant in Irvine, brought an action of injury and damages before the Lords, against Alison, late bailie of Irvine; and the offence charged was, That, when Dunlop was resting at a neighbour's door, Alison came up, and, calling him scoundrel and villain, asked him if it was he who hooted at him,—and this being denied by Dunlop, who averred that he was neither looking at him nor speaking of him, Alison repeated the expression of scoundrel, and clenching his fist before a multitude of spectators, struck Dunlop in the face. There could have been no doubt of the competency of the action, had it been founded on the real injury; but, being of a mixed nature, as comprehending both a real and verbal injury, which last was supposed competent only before the Commissaries in the first instance,—the competency of the jurisdiction was denied. But the plea was overruled, and the Lords sustained their jurisdiction even in the first instance.

Same, July 1764, *Robert Wilkie*, late bailie of *Aberbrothick*, against *John Wallace*, merchant there. This was a verbal injury.