

' THE LORDS found the advocatation not competent ; and therefore refused the bill.' No 235.

Act. Lockhart. Alt. Advocatus. Clerk to the Bills.
J. C. *Fol. Dic. v. 3. p. 351.* *Fac. Col. No 19. p. 34.*

1765. February 8. CAMPBELL against MONTGOMERY.

No 236.

IN a question respecting the legality of a seizure made at sea, an objection was made, that the cause being maritime, was exclusively cognizable by the Court of Admiralty.—THE LORDS repelled the objection.

Fol. Dic. v. 3. p. 352. Fac. Col.

*** This case is No 89. p. 7359.

1768. July 16. HAIG, DAES and Company against CAMPBELL.

No 237.

THE Admiral-depute of Alloa having pronounced decree for the price of some Norway logs, the defender advocated the cause on the ground, that inferior Courts of Admiralty have no jurisdiction in causes purely mercantile.

Inferior Admirals not competent to causes purely mercantile.

Answered for the pursuer ; The act 1592, c. 160. was only intended for repressing extraordinary and oppressive clauses in grants of Admiralty. The act 1681, c. 16. though it has been denominated the great charter of the Court of Admiralty, is not the measure of its jurisdiction. It relates only to the private jurisdiction enjoyed by that Court in maritime causes. The connection of maritime and mercantile causes had naturally led the High Court of Admiralty to judge in both, long before that statute. That jurisdiction has been uniformly exercised, as far back as the practice can be traced, and it has been supported by several decisions.

If the jurisdiction of the High Court of Admiralty extends to mercantile causes, that of inferior Admirals, derived from the same authority, though limited in territory, must be equally extensive in kind. And the decision 27th June 1759, Miller *contra* Sawyers, No 233. p. 7514. proceeded on the ground, that the defender did not live within the territory of the Admiral-depute, as fixed by his commission.

Replied, The jurisdiction of the High Court of Admiralty, derived from statute, relates to maritime causes only. Its jurisdiction in mercantile causes took its rise from custom, and cannot be carried farther than that custom has gone, or extended to inferior Admirals, who have not been in the practice of exercising it, as appears from the decision, Miller *contra* Sawyers, which shows, that,