

pleaded in defence, That it was the privilege of every subject to give information against public officers. That he, as a merchant, interested in the good order of the Post-Office, had written the letter complained of, to Mr Warrant's superior, not to defame him, but that an inquiry might be made into his conduct. It was merely by way of information to the Postmaster-General, the truth of which was to be investigated by him. That letters of this kind were every day written to the Boards of Custom and Excise; and that it would be hard if a complaint could not be made to the Postmaster-General against a private postmaster without forcing the complainer to bring a proof of it in a court of law. Mr Warrant ANSWERED,—That no doubt it was the privilege of the subject to complain against public officers; but then, their complaints behoved to be founded in truth; and if heavy charges were made without foundation, the person who made them would be liable in damages.

The Lord Elliock, Ordinary, (1st March 1771,) found the action competent, and ordained the defender to say, whether he intended to support the charge in the letter, and how. And, on advising bill and answers, the Lords adhered. And a proof, *hinc inde*, being allowed, the Lords, finally, found the accusations against Mr Warrant to be groundless, and found him entitled to damages and expenses, (18th February 1774.) But afterwards they altered and assailed, (6th July 1774.)

In this case, the decision in Dictionary, *voce Delinquency*, James against *Watkines*, was much founded on by Mr Falconer. And a late one, *The Rev. Mr David Turner at Greenock* against *James Watson*, was founded on by Warrant. In this case, *Turner* brought an action against *Watson*, libelling upon a variety of letters wrote by *Watson* to different people, accusing *Turner* of perjury. One of these was wrote to the Moderator of the Presbytery, to be communicated to the Presbytery, in order that *Turner* might be rebuked. A number of circumstances were pointed out showing that there was an intention to defame. The Lords therefore gave decret against *Watson*.

DELIVERY OF A DEED.

1767. December 1. MISS MAITLAND of PITRICHIE against FORBES.

THE Lords found, That a bond of provision, by a brother to his sisters, was presumed to be delivered of its date.

AGNEWS against AGNEWS.

IN the case of Major Agnew's succession, a deed by a father, preferring one

son to the other children, was found delivered, because in the hands of the son's wife.

1776. *November 22.* LECKIE *against* LECKIE.

PUTTING a deed in the Register was held equal to delivery. This was in the case of a settlement of a man's affairs,—to take place after his death. It contained a clause dispensing with the delivery,—but no faculty to revoke.

DIVORCE FOR ADULTERY.

1765. *January 15.* COLONEL SKENE and WILLIAM GRAHAM *against* Mr CUNYNGHAM.

MR Cunyngham brought a process against his wife on the head of adultery : he was required to condescend upon the persons he suspected to be the accomplices. He waved this as long as he could ; at last, he described them by particular marks. The Lords would not accept of this : they compelled him to condescend upon oath, on the names of those he suspected : he did so : in the event, the Lady was assoilyied. The two gentlemen condescended on afterwards brought an action of injury, defamation, and damages, against the husband. He pleaded that the discovery was no voluntary act upon his part ; that he was compelled to do it by judgment of the Court ; and therefore that an *animus injuriandi* could not be presumed. The defences were overruled, and he was found liable both in damages and expenses.

In another case,

1767. *July .* MARTIN *against* MICHIE.

MARTIN, the husband, being in the Isle of Man, his agent, who gave in the condescendence, was ordained to depone that he could not give in one more special ; and in the one given in he was ordained to be as special, as to times, places, and persons, as he could be. It was to this effect, That the wife frequented bad houses, specially condescended on ; and was seen lying there with men unknown, other than her husband.