

No 104.

of Messrs Clerk and Robison, to be held in all time coming as the standard firloft-measure; and to do therein as he should see cause."

Accordingly the Lord Ordinary pronounced judgment as follows: "THE LORD ORDINARY having considered the interlocutor of the Lords in presence, with what is above set forth, remits to, and authorises the said George Clerk-Maxwell, Esq; and Professor John Robison, to chuse and employ an intelligent tradesman, to make a standard, at their sight and direction, agreeable to, and in terms of the first plan or method described in their report given in to and approved by the Court: Finds, that the said standard is to be made use of and followed by the Magistrates of Linlithgow, as the only standard in adjusting the firlots to be given out by them, and used by the lieges in all time coming; and which firlots so to be adjusted and used, as above, besides the former usual marks or impressions put thereon at adjusting, the same shall likewise have the mark or impression of the letter R put thereon, denoting, that the firlots are adjusted according to the new and rectified standard aforesaid; and finds and declares, That it shall not be lawful for the Magistrates of Linlithgow, or any other, to give out new firlots in time coming adjusted in another manner."

Lord Reporter, *Alva.* Act. Lord Advocate, *R. Dundas.* Alt. Mat. *Ross.*  
Clerk, *Orme.*

S. *Fol. Dic. v. 3. p. 343. Fac. Col. No 52. p. 81.*

No 105.

Jurisdiction of the Court of Session competent, in the first instance, to a question between a mariner and his apprentice.

1783. February 5. JAMES KINNEAR against JAMES PETER.

KINNEAR having, by indenture, become the apprentice of Peter a shipmaster, in his sea-faring occupation, brought against him, before the Court of Session, an action of damages, on account of an alleged failure in the performance of the contract.

Peter *objected*, that the cause being of a maritime nature, could not be tried there in the first instance.

The LORD ORDINARY "repelled the objection to the competency of the jurisdiction."

In a reclaiming petition preferred to the Court, it was *argued* for Peter, That the contract between the parties related to nothing but maritime or sea-faring matters; it being the duty of a seaman's apprentice, which, on one hand, was undertaken, and, on the other, the charge of training up and instructing such a person in the art and business of a mariner; and therefore, that in the first instance, the jurisdiction of the Court of Session was not competent. But,

THE LORDS refused the petition without answers.

Lord Ordinary, *Alva.* For the Petitioner, *Nairne,*

S. *Fol. Dic. v. 3. p. 345. Fac. Col. No 90. p. 139.*