

SELKIRK
v.
RANKIN.



DUMFRIES.

PRESENT,
LORD PITMILLY.

1819.
April 14.



SELKIRK v. RANKIN.

Damages
claimed by in-
dividuals,
members of an
incorporation,
for defamatory
expressions
said to have
been used
against the
members of
that incorpo-
ration.

AN action of damages for defamation.

DEFENCE.—A denial of malice, or of having used the expressions, as laid.

ISSUES.

“ 1st, Whether, on the 28th day of Octo-
“ ber 1814, or about that time, the defender,
“ when presiding as one of the Bailies of
“ Dumfries, at the roup of the Flesh-market
“ dues of that burgh, did publicly, and in the
“ presence and hearing of a number of his
“ Majesty’s subjects, there and then as-
“ sembled, falsely and injuriously declare,
“ that the said town had been swindled out
“ of their rents and dues for several years,
“ or did use words to that effect; and whe-
“ ther, on said occasion, the said defender

“ meant, or did declare that he meant, the
 “ words aforesaid to apply to the incorpora-
 “ tion of fleshers, or individual members
 “ thereof, frequenting said market, to the in-
 “ jury and damage of the said pursuer, he
 “ being a member of said incorporation, and
 “ frequenting said market ?

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“ 2d, Whether, on said occasion, the de-
 “ fender did falsely and injuriously say, that
 “ the said incorporation, or individuals there-
 “ of, frequenting said market, were a set of
 “ swindling rascals, or did use words to that
 “ effect, to the injury and damage of the said
 “ pursuer, he being a member of said incor-
 “ poration, and frequenting said market ?

“ Damages laid at L.1000.”

Jeffrey, for the defender, said, it is diffi-
 cult to speak seriously of this case. The pur-
 suer has not proved his case; and even if he
 had, you might find for the defender.

LORD PITMILLY left the case to the Jury,
 as too clear to require going over the evi-
 dence, or saying any thing upon it.

“ Verdict for the defender.”

Cockburn and Whighan for the Pursuer.

Jeffrey and Maitland for the Defender.