

CAMPBELL
v.
ALLAN.

PRESENT,
LORD CHIEF COMMISSIONER.

CAMPBELL v. ALLAN.

AN action of damages for defamation, uttered on two occasions.

1820.
Dec. 14.
Damages
claimed for de-
famation.

DEFENCE.—The defender may have made use of improper expressions, when heated with wine, but he wrote an apology.

Moncreiff, for the defender, stated, that the pursuer had been a candidate for a seat in Parliament, and that the supporters of one candidate frequently applied as strong terms to the opposite candidate and his friends: That the defamation was not proved, as the pursuer only called a single witness, and did not call four others who were present. The second instance is disproved.

LORD CHIEF COMMISSIONER.—This point was determined in the case of *Landles v. Gray*, 18th July 1816, Vol. I. p. 79; and I

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am of opinion, that there is here a case to go to the Jury.

You, gentlemen, have heard the evidence and seen the witnesses, and your good sense will, in general, do as much as the experience of a Judge, in discovering where the truth lies. Some of the words in the Issue have been sworn to, and others not. If you think the words proved, you will have to consider the damages, which is entirely with you.

Verdict for the defender.

Clerk, Jeffrey, and Cockburn, for the Pursuer.

Moncreiff, J. A. Murray, and Wilson, jun. for Defender.

(Agents, *W. Dallas, w. s. and Gibson, Christie, and Wardlaw, w. s.*)

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PRESENT,

LORD CHIEF COMMISSIONER.

1820.
Dec. 15.

ROBINSON v. EDINBURGH & LEITH SHIPPING COMPANY.

Goods found to have been delivered to a servant of the defender.

AN action for the value of certain goods contained in boxes shipped on board a vessel belonging to the defenders.