1781. *February* 12. SOLICITORS AT LAW *against* JOHN and THOMAS ROBERTSON.

REPARATION.

A slight verbal injury to a body corporate, actionable.

[*Faculty Collection, IX.* 4; *Dictionary,* 13,935.]

ALVA. Societies ought not to give themselves trouble about such idle pieces of buffoonery. In a case like this, I would not sustain action; at least, I would not find expenses due.

MONBODDO. There is nothing here reflecting on any individual. The society was under no necessity of having the joke recorded in our books.

PRESIDENT. I think that it is below a man to bring such an action as this; but, when brought, it must be tried by the rules of law. The charter ought not to have been granted, but that is none of our concern. The advertisement is calculated to injure the characters of individuals.

WESTHALL. The cadies, a respectable society, are more injured than the Solicitors at Law.

BRAXFIELD. These gentlemen seem to have had a high notion of the injury done to them. They concluded for damages to the amount of L.2000 and upwards, yet the Ordinary only gave L.5. They did not reclaim: it would injure them to award such small damages as L.5 to be divided into nineteen shares.

GARDENSTON. The question is, Whether the advertisement is defamatory or not? No society ought to be injured; and when I consider this advertisement, I cannot help thinking that there is something illiberal in it, like what prevails in our neighbouring country: ironical commendations here used are injurious. Judges must put the true interpretation on words.

On the 12th February 1781, "The Lords found that no sufficient *animus injuriandi* was proved, and therefore dimissed the action;" altering the interlocutor of Lord Hailes, who had found L.5 of damages due, and L.15 of expenses.

Act. A. Crosbie. *Alt.* Ilay Campbell.

N. B.—This question was determined by the vote of Lord A———, who, from infirmity, was not able to form a judgment. The *ratio decidendi* was invented by the President, after the vote was put and carried against his opinion Had a preliminary question been put, as to the *animus injuriandi,* the Court would have voted in the affirmative; but the manifest absurdity of the prosecution, felt and acknowledged by the Ordinary, diverted the attention of the Judges from considering the abstract proposition fairly laid down in the Ordinary's interlocutor.