

sary; the Lords, (5th March 1777,) called the Sheriffs to the bar, and recommended to them to prepare an act for correcting this erroneous practice in time coming. In this case, the witnesses had signed the execution blank before it was filled up or signed by the officer.

EXPENSES.

1776. *June 25.* WILLIAM PORTER *against* DAVID THOMSON of INGLISTON.

WHERE a multiplepointing is raised emulously without necessity, and with a view to protract or raise unnecessary litigation; the Lords not only refuse to allow the pursuer the expense of raising it; but, in particular cases, find him liable in expenses to the other party. So they did, 25th June 1776, William Porter against David Thomson of Ingliston; although the multiplepointing, in this case, was brought in consequence of an interlocutor of an Ordinary sisting process until that was done: Because, in pronouncing that interlocutor, it appeared that the Ordinary had been misled by the party.

SIR JOHN GORDON *against* FORSYTH.

It has been maintained, that, in no case where penalties are imposed by law, are costs ever given, unless where special statute orders them to be paid. The Lords found the contrary, Sir John Gordon *against* Forsyth, where Forsyth, having acted as commissioner of supply, without a qualification, was found not only liable in L. 20 of penalty, but also in expenses, though the act imposing the penalty did not mention costs.

M'ADAM of CRAINGILLIAN *against* LOGAN of KNOCKSHINNOCH.

At a meeting of the commissioners of supply for the county of Ayr, 29th April 1775, Logan of Knockshinnoch, though possessed only of L. 83 : 13 : 4 of valuation, appeared and voted, first, who should be clerk to the commissioners; and, secondly, Whether or not his salary should be diminished.

In a complaint against him at the instance of John M'Adam of Craigingilian and Others; Mr Logan rests his defence upon his mistake in point of law, having been informed that L. 20 sterling of real rent, which he had, was equal to L. 100 of valued rent; and contended that no more, at any rate, than one