

No 9.

1610. *June 20.* BARCLAY *against* HENDERSON.

THE advocate himself, without an informer, may pursue an usurer for annulling his security, escheating his sum, and other penalties contained in the act of Parliament against usurers.

Fol. Dic. v. 1. p. 525. Haddington, MS. No 1902.

1613. *July 6.* SHERIFF OF FORREST *against* TURNBULL.

No 10.
King's advocate cannot pursue contravention of lawburrows, without consent of the person injured.

IN an action of contravention betwixt the Sheriff of Forrest and Malcolm Turnbull, the LORDS sustained an exception founded upon a discharge given by Malcolm Turnbull after the intending of the cause, and found that it should prejudice also the King's Advocate; and when the Town of Selkirk alleged they never made assignee before, and desired to be admitted for their interests, the LORDS refused to admit them.

Fol. Dic. v. 1. p. 525. Kerse, MS. fol. 232.

1629. *January 22.*KING'S ADVOCATE and L. CLACKMANNAN *against* LIVINGSTON.

No 11.
Found as in No 9. *supra.*

IN an action pursued by the King's Advocate and the L. Clackmannan against Livingston of Barownie, to hear and see it found that the defender had taken more than ten for each hundred in a wadset acquired by him from Banamon who was also a creditor to Clackmannan, and who had comprised the lands wadset to the defender, and therefore that the right of the sums, for which the defender's wadset was acquired, pertained to the King, conform to the 247th act 15th Parl. Ja. 6, which act was the ground of the libel. The action was sustained at the King's Advocate's instance, albeit there had been no party to assist the pursuit, and to concur with the Advocate, and albeit no donatar was constituted by the King, to whom these sums were gifted.

Act. *Advocatus.*Alt. *Aiton.*Clerk, *Hay.*

Fol. Dic. v. 1. p. 525. Durie, p. 416.