

ticles in time past, *esto* he had gone ; and *per eum non stetit* that he abode not the whole time.

The Lords decerned for the whole year's salary.

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1680. *February 4.* The DUKE of HAMILTON *against* The TOWN of LINLITHGOW.

DUKE Hamilton raises a declarator against the Town of Linlithgow, that he had the liberty and privilege of a free port and harbour at his regality of Borrowstowness, and might load and unload there, notwithstanding that the King's customhouse, which hath been these thirty years at Borrowstowness, is now removed to Blackness, and that the Town of Linlithgow are building a pier and harbour at Blackness.

ALLEGED,—By the 84th Act, Parl. 1503, and 24th Act, Parl. 1633, the merchants must only pack and peil at free burghs : now, loading and unloading is the same thing with packing and peiling : (This was denied by the Duke's advocates, who called "packing" the stowing of goods in packs, and "peiling" they did not agree what it meant : some thought it was the furring of goods like a pile of wood :) and Borrowstowness is not a free burgh.

ANSWERED,—By the Act of Parliament 1672, burghs of regality and barony have all the privileges of burghs royal, except as to some staple commodities, and so may load and unload. *2do*, Blackness is not so commodious a haven as Borrowstowness.

REPLIED,—Since that fatal Act of Parliament, the burghs have ever reeled, as exceedingly abridged in their privileges ; but it does not extend to this case ; and Blackness is a more convenient station for ships.

This being advised on the 10th of Feb. the Lords, before answer, ordained a visitation to be made of both harbours, and whether Blackness is a more capacious and secure receptacle for ships than the other ; as also probation to be led anent the Town of Linlithgow's possession and custom of going, loading, or unloading at Blackness, or at Borrowstowness.

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1680. *February 4.* ANENT THE PRESCRIPTION OF SERVANTS' WAGES.

ONE having served fifteen or twenty years ; within a year after leaving the service, pursues for all the fees, and offered to prove the service by witnesses, like a current account, whereof the last article is within three years.

REPLIED,—It is not alike ; for, in current accounts, it is not presumed that any of the articles are paid ; but it is otherwise in servants' fees. And, at this rate, a minister might pursue for twenty years' stipend back, since he was minister there, and, in respect of the currency, pretend that the years above three are not prescribed, and make them pay it if they want the discharges, seeing, *quoad modum probandi*, he may prove it by witnesses ; which were dangerous and absurd. This went to the Lords' answer.

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