

having pursued the said Alexander Ainslie to pay these dues for the goods he imported for the use of his glass manufactory :

He ALLEGED Absolvitor,---Because, by the 40th Act 1661, all materials imported for manufactories are declared free of custom, excise, and other public dues ; *2do*, The merk per ton being only a grant from King Charles I, without consent and authority of Parliament, the same is null, and contrary to law ; as is declared by the claim of right. And this farther appears by the 54th Act 1587, discharging all impositions whereof there was no legal warrant shown ; and, by the 57th Act 1661, all impositions not allowed by Parliament are discharged ; so that both positive law and the natural right of the subject concur to liberate them from this illegal impost. And, as to the shore-dues, they cannot be liable, for they uphold their own pier.

ANSWERED,---The privilege of manufactories is only an exemption from dues payable to the crown, but not those given to private parties, or corporations and societies ; and the claim of right only condemns those gifts of two pennies on the pint of ale, which the most part of royal burghs had obtained from King Charles II. and King James, without the consent of Parliament ; but can never be extended to what our princes had bestowed for the common good of burghs, to defray and support their necessary incident expenses ; else this would draw in question what belongs to the most part of the royal burghs in Scotland.

The Lords thought the general case of great importance, (though not in this special one of the glass manufactory,) there being a danger threatened, on the one hand, to the interest of many of the burghs, and as much inconvenience on the other hand, if such grants, not allowed by Parliament, come to be sustained by a decret of the Lords. Therefore they ordained the case to be argued in their own presence.

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1706. *February 13.*

A SON of Ballantine of Craigmuir being suspected of counterfeiting the signet, there was a warrant granted to James Napier, a messenger, to apprehend him : Which he did, but ALLEGED, That above twenty men came and rescued him. Whereupon the said Napier being called before the Lords, for suffering him to escape, and some presumptions appearing that he had colluded, it was proposed to send him to prison. But it was thought fitter to leave him at liberty to search if he could recover the prisoner ; and so a bond was taken of him, under the penalty of 500 merks, to appear when called for. And it was thought convenient, to prevent such forging in time coming, that the writers should use better wax, and the impress of the signet should be deeper than now it is, and the presenter of the summons or letters should subscribe his name on the back of the paper : and warrant was given to her Majesty's advocate to raise a criminal libel of falsehood against the said Mr Ballantine. All the difficulty was, how to furnish him with probation farther than his seeming to own the guilt by his flying ; which an assize would scarce sustain alone, if he should compear and deny his accession thereto.

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