

No 182.

bitant, they were more prejudged; and the Sheriff was bound to answer; for this was a judicial act, in all which they are subject to the Lords' review; neither had they followed the practice of this and other shires, to set them on the report of an inquest, but had done it *brevi manu* to gratify the heritors. THE LORDS, without determining either the title or competency, allowed the Sheriffs to answer and vindicate themselves if they can.

*Fountainball, v. 2. p. 739.*

No 183.

1725. *December.* LEWARS *against* EARL of HADDINGTON and his Deputes.

IN a reduction of the fiars of East Lothian, *imo*, Because of their exorbitancy; *2do*, Because not struck by a jury impannelled according to the prescription of the act of sederunt 21st December 1723, it was objected, there is no reduction competent in the nature of the thing of Sheriff fiars, which are nothing else, but a return made by the Sheriff, as the King's officer, into the King's court of Exchequer, of what he finds to be the reasonable price of grain for that year, which is not matter of jurisdiction at all to be subject to the review of a superior court. THE LORDS, notwithstanding, found this matter subject to a review, and sustained themselves judges. *See APPENDIX.*

*Fol. Dic. v. 1. p. 500.*

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S E C T. X.

Jurisdiction of the Court of Session, in reviewing the procedure of Ecclesiastical Courts.

1768. *February 6.*

No 184.

A minister pursued the heritors for payment of his stipend, who produced an extract of the sentence of his deposition by the presbytery, under the hands of

DAVID DICKSON of Kilbucho *against* The HERITORS of the Parish of Newlands.

MR DICKSON had for many years been settled minister of the parish of Newlands; but, in April 1767, the presbytery of Peebles, upon an action which had been brought before them, accusing Mr Dickson of sundry irregularities, pronounced a sentence, deposing him from the office of the ministry; and the Heritors of the parish having refused to pay Mr Dickson his stipend, in regard of the above mentioned sentence of deposition, and that another minister had been presented to the kirk by the patron, Mr Dickson charged the Heritors with horning, which charge they suspended.