

could not have got without that expense;—but the Lords disallowed all these articles. *Renit. multum* Drummore, Kilkerran, Leven, *et me.* The pursuer also objected to an article stated for purchasing communion-elements. Answered, all the Minister has for communion-elements is 50 merks, which could not furnish all the elements necessary for so great numbers. The Lords repelled this objection, and sustained the article. 3dly, He objected to an annual article for the Presbytery-Clerk, and another for the Session-Clerk. Answered, That by universal custom, that is paid by all the Sessions in Scotland. The Lords found the articles illegal, but because of the custom sustained them.—I doubted if the Session-Clerk was illegal, because he is necessary for the administration of the poor's funds, and I know no salary or emoluments he has *qua* Session-Clerk, if he is not Schoolmaster, or as in country parishes they were commonly both, but may be otherwise. 22d November, Adhered as to the first of the articles, and adhered as to Presbytery-Clerk not to be allowed in time coming; but repelled *simplisiter* the objection to Session-Clerk.

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### LAWBURROWS.

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No. 1. 1734, Nov. 16. COCK *against* HAMILTON, &c.

IN a case betwixt Arthur Cock and George Hamilton, which last raised lawburrows against the former, not only in Hamilton's wife's name, but of a great many others, without their knowledge, intending to execute the letters at the instance of one after another, and had got them executed, first at his wife's instance, then at another woman's instance, which the messenger did without taking their oath;—the Lords found Hamilton, one Lesly, a writer or merchant, and the messenger, all guilty of these oppressive acts;—found them liable conjunctly and severally for the pursuer's expenses, amounting to about L.31 sterling, he deponing upon his account, without restricting to regulations; found the first two liable conjunctly and severally in L.100 Scots of damages, imprisoned all three till Tuesday the 19th, and thereafter till the sums were paid, and suspended the messenger till the 1st of January next.

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### LEGACY.

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No. 1. 1736, Feb. 18. JAMES LAWRIE *against* JANET LEWIS.

THE Lords sustained the gratuitous conveyance in prejudice of the clause of return to the executor.