

No. 4. 1736, Feb. 18. STIRLING *against* M'QUEEN.

THE Lords sustained the poinding for the master's rent within five days after decret of his own Court, and indeed it would seem that three days was the time necessary as in removing. *Vide* Jas. III. Parl. 5, Act 34, and M'Kenzie's observations, *ibidem*. They also repelled the objection that there was only one appretiation on the ground and not another at the manor place, 17th December 1735.—February 18th The Lords adhered.

No. 5. 1736, Feb. 19. MOWBRAY *against* DRUMMOND.

THE Lords adhered to the former interlocutor finding the poinding oppressive, but by the President's casting vote it carried, no spuilzie. For the spuilzie were Royston, Kilkerran, Murkle, *et ego*. Against it were Newhall, Minto, Haining, Monzie, and President.—31st January 1736.

The Lords adhered to the former interlocutor of the 31st ult. finding it no spuilzie, though many of the Lords thought it should not be a precedent.

No. 6. 1737, Nov. 15. CRAWFORD *against* TACKSMEN OF LANGTOWN.

See Note of No. 7, *voce* HYPOTHEC.

No. 7. 1741, Dec. 17. KIRKLAND *against* MILLAR.

IN a poinding of standing corns begun the 30th August, the messenger taking no further notice of the corns by himself, or any employed by him, after the poinding on the said 30th August, but having left the creditor to cut down the corns and to lead and stack them as he pleased; and he having stacked some in the debtor's barn-yard, and carried most of them to his own barn-yard; the messenger did not complete the poinding till December, February, March, and April, when the different stacks were poinded by casting and proving, but without any evidence that there was no embezzlement nor even that they were the same corns. The Lords sustained the objection to the poinding and found it void and null.

No. 8. 1742, Feb. 5. ALEXANDER LE GRAND *against* CHALMERS.

FIND that Mr Le Grand was guilty of no breach of duty in not admitting to entry, and therefore advocate the cause and assoilzie. I doubted of the jurisdiction, and stated the question, If a collector should refuse to admit the proprietor to make an entry and pay duty, that remedy lies, and where? The President said we needed not determine that point here.

No. 9. 1742, July 20. LOCKHART of Carnwath *against* RICHARDSON.

MR LOCKHART, a creditor to his brother-in-law Sinclair of Roslin, got a disposition in security, but Sinclair being rendered bankrupt in terms of the act 1696, Mr Lockhart

could not trust to his disposition, and proceeded to poind several particulars, and among the rest a lead cistern, the copper for making a boiler, some rape seed, rape oil, and other materials for making soap, but did not remove the particulars, but made a sort of new contract with a Dutchman, Vander Waller, whom Sinclair had hired to make soap for him, to continue to make soap for him Lockhart, who, as Vander Waller swears, paid him L.80 sterling for carrying on the work. The soap was accordingly manufactured, the duty paid by Roslin, and the soap sold by him to Dumfries merchants, and a part of the price received; and Richardson, another creditor of Sinclair's having arrested, the Lords first preferred the arrestment and found the poinding simulate. But this day they found no sufficient qualifications of simulation, and therefore preferred Mr Lockhart, *me quidem multum remittente*.

No. 10. 1750, Feb. 9. GEDDES of Kirkwood *against* ———.

THE Lords found that in poindings the apprisers at the market cross ought to be different persons from the apprisers on the ground, and sustained that objection to annul the poinding, but not to infer any of the penal consequences of spuilzie. 6th December 1751, Adhered *nemine contradicente*.

No. 11. 1750, Nov. 7. ANDERSON *against* THE INCORPORATION OF SHOEMAKERS.

WE sustained a poinding more than year and day after the charge *nem con.*; and assolizied from a spuilzie, but found no expenses.

---

POOR.

---

No. 1. 1737, July —. MR MILLER AND SESSION OF TRANENT *against* MR WILLIAMSON AND SESSION OF INVERESK.

THE Lords found that no action lies against the kirk-session of Tranent for maintaining this child, and remitted to the Commissaries with that instruction.

No. 2. 1745, June 5. OVERSEERS OF PARISH OF DUNSE *against* PARISH OF EDNAM.

THE question was, Whether the act 1672, making three years the period of beggars residence in a parish necessary for burdening the parish with his maintenance, was altered by 21st act 1698, and a proclamation also in 1698 referred in that act, which proclamation seemed to bring it back to seven years, the period pointed out by the 74th act, Parl 6. James VI. ;—and the Lords adhered to Arniston's interlocutor, making the period three years.