

THE LORDS, 26th January 1749, repelled the reasons of suspension founded on the acts of Parliament 1567 and 1669, in respect of the ratifications 1612 and 1672, founded on by the chargers, and the possession following thereon; and found that the maltmen calling of Glasgow were a subsisting legal corporation: And refused a bill and adhered.

Act. *Lockhart & Brown.*

Alt. *W. Grant.*

Clerk, *Murray.*

No 65.

22d February 1750.

THE visiter and collector of the maltmen calling in Glasgow, pursued Robert Tenant, inn-keeper there, before the Magistrates, and got him fined for making malt for sale, not being one of the calling.

He suspended; for that he made no malt for sale, but consumed the whole in his own house, in ale and spirits, which he brewed and distilled for the service of his guests.

*Answered:* The suspender is still a seller of malt, as he sells his ale and spirits, and does not consume them in a private family.

*Observed,* That the maltmen are subject to the inspection of the visiter: And it cannot be said he could visit, and put a price on the suspender's malt.

THE LORDS, 20th November 1749, 'found, That Robert Tenant, in respect he did not make malt for sale, was not obliged to enter with the incorporation.'

On bill and answers, whereby it appeared he had sold some spirits;

THE LORDS adhered with regard to the malt made into ale and spirits consumed in the house; but found that the suspender behoved to pay duty as a maltster, for the malt made by him, and distilled into spirits, and sold in gross abroad: And that if he continued to make malt, and use it in that manner, he behoved to enter into the society of maltmen.

Reporter, *Drummore.* A.R. *W. Grant.* Alt. *Lockhart & Ferguson.* Clerk, *Murray.*

*Fol. Dic. v. 3. p. 107. D. Falconer, v. 2. No 55. & 132. p. 53. & 150.*

1750. November 15.

DONALD against DICK.

No 66.

ONE heritor within burgh having built to the extremity of his property, as appeared in a question concerning the adjacent ground, alleged by him to be a common entry,

THE LORDS found the conterminous heritor might also build to the extremity of his.

*D. Falconer, v. 2. No 162. p. 185.*