

No. 50. allowed to decline themselves, not even the Justice-Clerk, though an Extraordinary Director of the Bank; but Lord Milton, the Deputy-Governor, was allowed to decline himself.

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1750. *January 5.* COLLECTOR SHAW *against* COLLECTOR GROSSET.

No. 51.

A PROCESS at the instance of Collector Shaw at Perth, against Collector Grosset at Alloa, for the half of the prosecutor's share of some tobacco condemned in Exchequer, said to be due to him as first discoverer by the act Geo. I. cap. 21, § 7, was found not competent in this Court; and therefore the process was dismissed, for we thought it competent only in the Court of Exchequer.

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1750. *July 28.*

JOHN DUNLOP *against* KENNOWAY, Stampmaster in Linlithgow.

No. 52.

NINETY hogsheads of lintseed being seized and condemned by the Justices of Peace of Stirling as insufficient for sowing, and imported contrary to the act 13th Geo. II., a bill of suspension was offered for that, *1st*, The Justices were sole judges only where such lintseed is offered for sale; *2do*, It is only in that event that any penalty or forfeiture is enacted, and though importation be prohibited, yet neither penalty nor forfeiture is annexed; *3tio*, Offered proof that the seed was fit for sowing by making the experiment, though it was discoloured by a tedious voyage from Holland: But we found the bill of suspension not competent, and therefore refused it.

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1751. *January 16.*

The DUKE of ATHOL, BISSET, and EDWARDS, *against* MURRAY.

No. 53.

THE Duke of Athol, Bisset, and Edwards, having pursued reduction of a bail-bond taken by him from Bisset and Edwards for his servant Murray, whom he was to employ under him to collect customs at Alloa, for L.1000 sterling in the King's name, and likewise reduction of accounts stated betwixt Grosset and Murray, making Murray debtor in L.1100 sterling, on the head of fraud and circumvention, both in eliciting these bonds from the

pursuers, and in fitting the accounts with Murray, and concluding for repetition of L.500 sterling, paid by the Duke of Athol to Grosset as Bisset's half of that bond; the Lords thought, that the Exchequer alone was the proper Court for such a process, especially so long as any part of the money was due to the Crown, though if it had been fraudulently elicited by a third party not debtor in the bond, such fraud might have been tried in this Court to the effect of giving damages; but as against the granters of the bond, we thought it behoved to produce a collision of jurisdictions, there having already issued extents on that bond, a plea entered of conditions performed and issue joined. Our interlocutor finds, that we have no jurisdiction to proceed, while the suit against Edwards depends in Exchequer. (See DICT. No. 78. p. 7341.)

No. 53.

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1751. June 30.

SIR ROBERT PRINGLE, and OTHER JUSTICES of BERWICKSHIRE, *against*  
The EARL of HOME and OTHERS.

THOUGH Justices of Peace may at their Quarter Sessions adjourn to any other time and place, yet in Scotland they cannot appoint the Quarter Sessions to meet first at any other than their usual place of meeting; and the Justices of Berwickshire, at least a meeting of them, having by an order made such an alteration, the Lords, upon full deliberation, passed a bill of suspension of that order, and at discussing the suspension, they suspended it *simpliciter*. (See DICT. No. 319. p. 7602.)

No. 54.

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1751. July 4.

BELCHIES *against* The GOVERNOR of EDINBURGH CASTLE.

IN a complaint at the instance of Thomas Belchies, clerk-depute of the Sheriff-Court, against the Deputy-Governor and Lieutenant of the Castle of Edinburgh, we found that the Commander of the Castle for the time being, is bound to give access to the officers of the law to execute the King's letters within the Castle of Edinburgh.

No. 55.

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1751. July 25. ALEXANDER GOLDIE *against* ———.

The members of Court still retain their privilege that they cannot be sued in inferior courts, not even for sums below L.12 sterling, notwith-

No. 56.