

1770. December 6. HERITORS and KIRK-SESSION of COLDSTREAM *against*  
HERITORS and KIRK-SESSION of HUTTON.

POOR.

The Parish where the Pauper has had his residence for the last three years, liable for his maintenance.

[*Fac. Col. V. 155 ; Dict. 10,574.*]

GARDENSTON. There is something in this specialty that the pauper has been resident eight years in different parishes since he left Coldstream.

COALSTON. I was much against the decision in the case of *Baxter*. I did not think that we could get over the proclamation 1698, confirmed by Parliament—but as it was so decided, I shall give up my own private opinion. If the judgment in the case of *Baxter* stands, we cannot make a distinction—for the Acts, previous to the proclamation, say, the parish he had been last in for three years.

PRESIDENT. The general practice was what determined the Court in the case of *Baxter*.

PITFOUR. My chief difficulty, independent of the statute, was expediency. I relish the distinction made by Lord Gardenston.

ALEMORE. If we are to be directed by expediency, the parishes, such as Coldstream, where great public works are carrying on, are enriched by those works, and therefore ought to bear the greater burden.

PRESIDENT. Will you leap over all the intermediate places of this man's residence, and resort to the place of his birth? If you leap over the three years' residence at Coldstream, and consequently the 40 years' residence at Swinton, and resort to the place of birth?

On the 6th December 1770, "the Lords, in regard the parish of Coldstream was the parish in which John Whitlaw, the indigent person, had his last three years' residence at one space of time; therefore found the letters orderly proceeded at the instance of the Parish of Hutton;" adhering to Lord Barjarg's interlocutor.

*Act. R. Blair. Alt. J. M'Claurin.*