

THE LORDS were of opinion, that the point was fixed in the case of Crailing, which had gone upon a special inquiry into the practice; and they therefore adhered to the Lord Ordinary's judgment.

No 9.

Lord Ordinary, *Monboddie*.  
Clerk, *Campbell*.

For the Parish of Hutton, *Blair*.  
For the Parish of Coldstream, *Maclaurin*.

R. H.

*Fac. Col. No 54. p. 155.*

1772. November 20. MR WILLIAM PATON *against* ADAMSON.

No 10.

In an action against two parishes for aliment to an indigent person, the Sheriff of Roxburgh not only determined which of the two parishes were liable, but modified the *quantum* to be paid weekly, and decerned for payment of it out of the poor's funds. Urged in a reduction of this decret, That the Sheriff had arrogated to himself powers which belong, by statute, exclusively to the minister, elders, and heritors of the parish, who alone are entitled to judge who shall be admitted to the poor's roll, and to fix their allowance for aliment. *Vid.* act 1663, c. 16th and act of Privy Council; August 11th 1692. THE LORDS sustained the reasons of reduction.

\*\*\* *N. B.* Although the Sheriff has no cognisance in the first instance in questions of this nature, it may be doubted whether he may not interfere upon a complaint, that the poor's laws have not been properly executed, seeing that the act of Privy Council, 31st July 1694, ordains the Sheriff, Justices of Peace, and Magistrates of royal burghs, to take trial how far the acts of Parliament and acts of Council have been obeyed.

*Fol. Dic. v. 4. p. 85. Fac. Col.*

\*\*\* This case is No 374. p. 7669.; *voce* JURISDICTION.

1773. January 19.

JAMES SCOTT, Collector of the Assessments of West-Kirk Parish, and the HERITORS and SESSION thereof, his Constituents, *against* JOHN FRASER, Wright in Cabbagehall, in that Parish.

No 11.

Heritors have power to assess, for maintenance of the poor, by the real rent, where that is expedient, although the practice may have been to levy by the valued rent.

A CHARITY Workhouse, built at the expense of the heritors and parishioners of West-Kirk, was opened in the year 1762.

The parish-funds being found insufficient to defray the whole expense of the house, the deficiency was made up by an assessment, which was at first laid on in proportion to the valued rent; one-half to be paid by the heritors, and the other by their tenants.