

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.

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.

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.

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.

- No. 56. standing the jurisdiction act, as was found *me referente* on a bill of advocacy by Alexander Goldie, writer to the signet, of a process against him for L.4 sterling before the Magistrates of Edinburgh.

1752. *January 15.*

ARCHIBALD and ALEXANDER M'DUFF *against* MELISS.

No. 57.

ARCHIBALD M'DUFF bought a hogshead of lintseed from Alexander M'Duff, which he borrowed from Meliss, who had bought some lintseed from Boog, who had bought part of a greater parcel from Colin Brown, where it still lay; and Archibald and Alexander M'Duff were brought to Brown's cellars, where Archibald got the hogshead of lintseed that he bought from Alexander; and it proving insufficient, both Archibald and Alexander M'Duff sued Meliss before the Magistrates of Perth on the act 13th Geo. II., and recovered decret for L.4. 15s. as the value, and L.2. 10s. of fine. Meliss suspended, and Monzie, in terms of that act, found suspension not competent. Meliss reclaimed, and the difficulty was, that Meliss had not sold the lintseed to Alexander M'Duff in terms of the statute, but only lent it till his own should come home, and one farmer lending or giving in a present lintseed to another to sow his grounds, would not be within the purview of the act; but as he lent it to be sold, and as Archibald M'Duff had certainly action against Alexander M'Duff, Meliss ought to relieve him; and therefore we adhered.

1752. *February 19.*

MARGARET SEMPLE *against* ELSPETH MARSHALL.

No. 58.

RIOTS may be tried without Jury by Sheriffs and others, even where the punishment amounts to whipping, correction-house, or banishing the shire or town, as the Court thought; and therefore remitted back to the Sheriff a riot libelled by way of hamesucken.

1752. *December 19.*

THOMSON, Supervisor of Excise, *against* STRAITON of Laurieston.

No. 59.

STRAITON of Laurieston recovered a decret of the Justices of Peace against Thomson, supervisor, and other officers of Excise, for damages, for