

pensation : because, had private persons embraced the privilege reserved to them in the Bank's agreement, and carried their own money to the mint, and waited the course of recoinage ; they must have got their certificates of loss instantly satisfied by the Commissioners of the Equivalent, without being questioned about the ex-crecence, or liable afterwards to quit it ; and the Bank, by undertaking the re-coinage, came in place of the private persons, who got their old money exchanged at the Bank.

The Lords found, That the benefit by the augmentation of the tale, is to accrue to the Bank, as well as to any other private proprietors of bullion ; and is not imputable *pro tanto* in payment of what is allowed in satisfaction of the loss sustained by the giving in, and giving out of the money.

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1709. *Feb. 24.* HARY DOW, writer in Edinburgh, *against* Mr. DAVID SEATON of Northbank.

HARY DOW, as curator to Cassie of Kirkhouse, having obtained a decret of count and reckoning, against Mr. David Seaton, late co-curator and factor ; as a person suspected, and debtor to the minor in a great balance : Mr. David procured a suspension of the decret, upon consigning a disposition of all his means and estate, for security of the foresaid balance ; during the dependence of which suspension he was discharged to meddle in the minor's affairs. After the Ordinary in the suspension had constituted the charge against the suspender, which was very considerable, and before his articles of discharge could be particularly discussed ; Hary Dow having represented to the Lords by bill, that Mr. Seaton's affairs were turned altogether in disorder ; that himself had absconded, and his creditors were going on with diligence against his estate :—

The Lords appointed the consigned disposition to be registered, and given up to Hary Dow, to take infeftment thereon, for securing to the minor what balance Mr. David Seaton should be found debtor in at the event of the count and reckoning. Albeit it was alleged for the suspender, that infeftment could not be taken for a debt not yet constituted.

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1709. *Nov. 9.* THOMAS SANDILANDS, Collector of the Fines imposed by the Justices of Peace in the District of Mid-Calder, *against* JOHN PURDIE of Hartburnhead.

JOHN PURDIE, fined by the said Justices of Peace in one hundred pound Scots, for fornication with Christian Howison, his servant, conform to the Act 38, Parliament 1661 ; he being the eldest son of an heritor, and so a gentleman in the construction of law : when charged for payment by Thomas Sandilands, collector of these fines, he suspended upon this ground, that the fine was exorbitant ; in so