

S O L D I E R.

1710. *November 4.* MR. ALEXANDER BROWN *against* GORDON.

MR. ALEXANDER BROWN of Thornydikes, gave in a petition, bearing, he had enlisted himself a soldier in my Lord Carmichael's, now Hyndford's, regiment, in July last, and yet one Gordon, a messenger, had apprehended him on a caption, and put him in prison, though he had intimated to him his privilege and exemption by the British act of Parliament; and therefore craved liberation, and the messenger to be punished. Answered: He was not in the regiment's livery, nor wore any badge of it; and it was a sham trick to defraud his creditors; neither got he any pay, nor mustered with them; *2do*, He was past the age of 60, after which one can do little service in the army. Replied: He opposed the testificates of his on-taking, and his furlough. The Lords ordained him to be set at liberty, and the messenger to answer before the Ordinary on the Bills for his contempt. What inclined the Lords to this was, that he was going to Dunse to vote as a freeholder in the election of a member for Berwickshire, and was picked up by this caption, and stopped; which stratagem the Lords thought was not to be encouraged; and therefore ordained trial to be taken at the messenger who was his employer?

No. 1.

Fountainhall, v. 2. p. 595.

1778. *July 30.* WILLIAM LOW *against* CAPTAIN LEWIS DRUMMOND.

ON the 26th January, 1778, Macgregor, recruiting serjeant for Captain Drummond, enlisted Low and two others, by giving them some shillings in the King's name. On the 28th, Macgregor went with a party to bring them to attest, but desisted, on a suspicion that they would be rescued; and, on the 29th, he applied to the Justices of Peace, by petition, praying for warrant to bring them to be examined. Answers to this petition were given in, upon the 30th, for Low and

No. 2.
Import of
§ 73. of the
mutiny-act.