

No. 23. 1741, June 17. BARBARA NEWLANDS *against* NEWLANDS, &c.

UPON a complaint of subornation of perjury for the said Barbara against Newlands and Roy, the Lords having given summary warrant to apprehend, on which Roy was taken, but Newlands not being bound, they granted warrant to charge him to compear before them under the pain of Rebellion and putting him to the horn ;—and now a petition in his name and his factor's complaining of that order as unprecedented and even beyond our power and craving to be heard, being presented, the Lords called the cause, heard the parties what further they had to say, and then refused the bill.

No. 24. 1741, June 23. PROCURATOR-FISCAL of the JUSTICES of HADDINGTON.

THE first question was the pursuer's title to pursue, which depended on the Justices' competency to this act of Parliament. Several thought the Justices competent to stop building pigeon-houses against law as nuisances on the act 6<sup>to</sup> *Annæ*. But after the proprietors have possessed for many years, they thought the Justices no proper judges, and so they found ; and therefore dismissed the process.

No. 25. 1741, July 2. ORD and FOORD *against* ROBERTSON.

THE Lords having fined Orr of Barrowfield in L.50 sterling for an oppressive imprisonment, as a Baron and Baron Bailie, of Robertson, the Lords adhered, and refused without answers.

No. 26. 1742, Feb. 26. MASTER OF THE MINT *against* F. STUART, &c.

THE Lords pretty unanimously found that we had no jurisdiction in this process against the Master of the Mint who had received sums from the Crown by way of imprest and to account ; and that notwithstanding the former judgment in this very process against Lord Belhaven, and of the Ordinary's interlocutor not complained of in due time ; and we thought that we could not be concluded by these regulations where we had no jurisdiction,—nobody opposing but Dun the Ordinary. But the President, Arniston, and I, were clear.—5th June Adhered, and refused a bill without answers.

No. 27. 1742, July 24. SKIPPERS OF IRVINE *against* HAMILTON.

As to importers of Irish victual, we seemed to agree that the penalties of L.100 sterling mentioned in the acts 1672 and 1686, for which bonds were to be granted, takes no place in this case, and I believe in no case, but three questions occurred, first, Whether the punishment of fine and imprisonment as well as transportation are not confined to two months? 2dly, Whether proveable by oath? 3dly, Whether the punishment of fine and imprisonment be at all committed to inferior Judges,—and a hearing was appointed this day se'ennight.—26th June 1741. *Vide* 3d July.