

where they were born, or if that do not appear, where they last resorted for three years. Formerly such had no provision made for them at all, but were to be punished, act 74th, Parl. 6th, Ses. 6th, James VI., but were afterwards charged on their place of birth; and then by act 18th, Parl. 2d, Ses. 3d, Charles II., on the place of their resort, preferably to that of their birth.

No 3.

2dly, *Pleaded* for Dunse, If residence is to be the rule, it must be fixed at seven, not three years residence, by the above mentioned act of James VI., and the proclamation and act of King William, and these acts of King Charles II., as appears by their rubricks, relate only to vagrants.

*Answer'd*, It were absurd that a vagrant should by ordinary resorting, gain a title to maintenance in less time than a settled inhabitant; and the acts of King Charles give rules in the body of them concerning the settled poor: The proclamation could not affect these statutes, and the act of King William refers to, and confirms them; so that it cannot be thought to have confirmed the proclamation any further than it was agreeable to law.

THE LORDS adhered.

Pet. *Swinton, sen.*

Resp. *Williamson.*

Clerk, *Forbes.*

*D. Falconer, v. 1. p. 92.*

1749. *June 15.* POOR GRINZEAN *against* GIBB.

A PERSON being on the poor's roll found not liable in expense, although he appeared to have been litigious, and was admitted to have some subjects pertaining to him; in respect it was not thought consistent with the rules and constitution of the Court, that a person on the poor's roll should be decerned in expense.

No 4.

*Fol. Dic. v. 4. p. 86. Kilkerran, (POOR.) No 2. p. 407.*

\* \* \* A similar decision was pronounced 20th November 1772, Paton *against* Adamson, No 374. p. 7669, *voce* JURISDICTION.

1751. *February 15.*

The HERITORS of the parish of Humbie *against* The MINISTER and KIRK-SESSION of Humbie.

THE kirk-session of Humbie is possessed of a stock of poor's money, said to have from time to time been saved out of usual collections for the poor, to the extent of about 11,000 merks: And certain of the heritors being informed of some inaccuracies in the present management of this fund, after enquiry made, first before the Justices of the Peace, and afterwards before the presby-

No 5.  
Found, That the heritors have a joint right and power with the kirk-session in the administration of all