

witness said, that Sir John, after his nose was squeezed, put his right hand towards his sword when he was gripped. We then removed them to consider of the case, and at removing, Sir John left a signed paper begging pardon of the Court, and wishing no further censure might be inflicted on Mr Brown; and a little after Mr Brown sent in a paper much of the same sort. In advising, it was agreed that before resolving on the censure the President should acquaint Sir John, that it was expected that of himself he should ask pardon of Mr Brown of the injurious expression, and promise that he would retain no further resentment of what had passed, and as the promise was made in face of Court they would look on it as made upon honour, though that was not a style the Court used; and that Mr Brown should be acquainted the Court expected that of himself he would ask pardon of Sir John, and make the like promise. Sir John said, "If the Court would order him he would do any thing in obedience to their order, but had nothing of himself to acknowledge;" and after being again and again pressed, he said to Mr Brown, "Since the Court desires it, I in obedience to them beg your pardon;" and Mr Brown immediately answered in substance, "That he was sorry for what had happened, and since you beg my pardon I also beg your pardon, and if Sir John is willing to promise that there shall be no more of it, he was ready on his part to make the like promise;" but Sir John, after a good deal of speaking, refused to make any promise; and thereupon as it was then two o'clock, and the Court of Teinds to be held, we remanded Sir John back to prison, and only ordered Mr Brown to appear to-morrow at ten o'clock. And 12th January Sir John and Brown both promised to keep the peace, and thereon we pronounced sentence, fining each of them in 500 merks to the poors' box, and each of them to find bail with one or two cautioners, under the penalty, to keep the peace both in general and with one another for two years, under the penalty of L.500 sterling, to be paid in case of contravention to any of our clerks, to be disposed of as the Court shall direct.

No. 50. 1749, Dec. 13. FRIENDLY INSURANCE COMPANY *against* THE ROYAL BANK.

IN this question so many of the Lords were concerned in the Bank and Insurance Office that there did not remain a Court, and therefore we would not allow them to decline themselves; nor the Justice-Clerk, although an Extraordinary Director of the Bank; but we allowed Lord Milton the Deputy-Governor to decline himself.

No. 51. 1750, Jan. 5. COLLECTOR SHAW *against* COLLECTOR GROSSET.

AN action at Collector Shaw's instance against Grosset for a half of the prosecutor's share of certain seizures of tobacco as first discoverer on the act 21 *Geo. I.* § 7. was found not competent in this Court, and therefore the process dismissed.

No. 52. 1750, July 28. JOHN DUNLOP *against* KENNOWAY.

NINETY hogsheads of lintseed imported from Holland being seized and condemned by the Justices of the Peace of Stirlingshire as insufficient for sowing, and imported contrary