

APPENDIX.

PART I.

PRIVILEGED DEBT.

1776. Nov. 21.

NEILSON.

A CLAIM for a widow's mournings was found not effectual, in competition NO. 1. with the husband's creditors, where the marriage had been dissolved within year and day.

. This case is No. 375. p. 6165. The Editor not having been able to find the session papers, has not had it in his power to report the argument.

1804. Nov. 14.

LOCKHART *against* PATERSON.

NO. 2.

AN action was brought before the Sheriff of Stirling, by George Lockhart, labourer in Balfroun, against William Paterson, merchant in Stirling, for payment of a small sum due to him by Peter Connell, tenant in Ardinfinlay, for wages, as a reaper. Connell was bankrupt; and the action was brought against Paterson, as having intromitted with his effects. The summons concluded for payment of the sum due, as a preferable debt, in terms of the act of sederunt, 23d January 1779. The Sheriff found Paterson liable; and the cause having been brought by suspension before the Court of Session, the Lord Ordinary found the letters orderly proceeded.

The act of sederunt, 23d January 1779; gives a preference to farm-servants hired by the day to perform harvest work as well as to those hired for a term.

NO. 4. Paterson presented a petition to the Court, in which, among other grounds of defence, he maintained, that the act of sederunt was intended only to give a preference to farm-servants regularly hired by the year or half-year, and that it did not apply to the case of a labourer hired by the day, or by the week, during harvest.

But the Court refused the petition, without answers, being clearly of opinion, that the act of sederunt was intended to give a preference, for their wages, over the crop raised or secured by their labour, to all persons employed as farm-servants, however short the period of their service; and that the principle upon which it was founded, applied equally to them all.

Lord Ordinary, *Polkennet.*
Alt. *Campbell.*

Act. *Jardine.*
Agent, *Geo. Mill.*

Agent *Geo. Dunlop.*
Clerk, *Mackenzie.*

J.

Fac. Coll. No. 180. p. 405.