

No 286. matter civil and profane, by the injunctions given to the Commissaries, they could not be judges in such cases, in things above L. 40. *Replied*, That she was convened for three terms mails, at L. 40 the piece, so that it behoved to be thought *tot sententiæ, quot capita in libello*. In respect of which reply, the allegiance was repelled.

Spottiswood, (COMMISSARIOT.) p. 38.

1629. *January 29.* HORSEBURGH *against* M'LEVAIN.

No 287. IN an action of tutor-counts, pursued before the Commissaries of Glasgow, the LORDS found, that the Commissaries were competent judges thereto, and refused to advocate the same to the Lords, upon that reason, that the Commissaries were not judges to such actions. See No 291. p. 7578.

Fol. Dic. v. 1. p. 506. Durie, p. 420.

1630. *January 15.* ALDCORN *against* KER.

No 288. A DECREET before the Commissary of Peebles, for the sum of L. 60, being quarrelled by suspension as null, because albeit it proceeded upon the defenders being holden as confest, yet the inferior Commissaries were not judges in matters referred to oaths above the sum of L. 40, and the Commissaries of Edinburgh in matters exceeding 100 merks, conform to their injunctions; notwithstanding whereof the decret was sustained.

Fol. Dic. v. 1. p. 505. Durie, p. 481.

* * * Spottiswood reports this case :

1630. *January 16.*—TURNBULL having obtained a decret against Ker, for payment of L. 60, before the Commissary of Peebles; this decret was suspended, because the Commissary could not be judge in a civil matter above L. 40. Yet the LORDS sustained the decret.

Spottiswood, (COMMISSARIOT.) p. 39.

No 289.
A decree of
a Commis-
sary was
sustained, in
which a mat-
ter was refer-
red to the

1634. *June 18.* RICHARDSON *against* MAXWELL.

AGNES RICHARDSON having obtained decret against Maxwell of Frier-corse, before the Commissary of Dumfries, decerning him to relieve the said Agnes Richardson of the sum of L. 80, which she had paid as cautioner for Maxwell's son, of the which cautionry and sum he had promised to relieve her; and also