

No 309. burdened with her 2000 merks, as the former was. The Exchequer, upon debate, restricted the jointure to L. 1000, and burdened the second gift with that sum. In a competition before the Court of Session, the LORDS found the Exchequer were *functi*, and could not restrict the first gift by granting a second, and preferred the first donatar, with the burden of the lady's 2000 merks.

Fol. Dic. v. 1. p. 507. Fountainhall.

* * * This case is No 36. p. 5106. *voce* GIFT of ESCHEAT.

DIVISION XI.

Justices of Peace.

SECTION I.

Jurisdiction of Justices of the Peace.

1710. *January 25.*

MR JOHN PATERSON Collector of Excise within the Shire of Perth, *against* SIR JAMES RAMSAY of Balfour and Others.

No 310.
Sentences of
Justices of
Peace in mat-
ters of excise,
found not li-
ble to review.

SIR JAMES RAMSAY, David Campbell of Kerbeck, and James Ogilvie, having granted bond for L. 70 Sterling, contained in two decreets obtained by Mr John Paterson against Mr John Ogilvie, brewer in Cupar of Angus, before the Justices of Peace in Perthshire, one for L. 50 for his keeping a concealed store-house, and the other for L. 20, for refusing access to a gauger to search his cellars and store-house; the granters of the bond raised a suspension and reduction thereof, and of the said decreets, upon nullities and informalities.—THE LORDS, considering that the sentences of Justices of Peace in matters of excise are by statute final, and not subject to the review of any other judicature, declined to judge whether the decreets were formal or not; but found the letters orderly proceeded, except as to the penalty, which they suspended; and further, superseded extracting of their own decret for a certain time, that the suspenders might apply to the next quarter sessions of the said Justices of Peace for redress.

Fol. Dic. v. 1. p. 508. Forbes, p. 389.