

oppress the lieges, especially the poorest sort, without remedy. The difficulty therefore was to judge in this case, so as not to discourage gentlemen from accepting of those offices, and discharging their trust, and yet not put it in their power to oppress. What made the iniquity the more glaring here, was a circumstance not noticed in the information, but which appeared from the decret, viz. that though Gibb did not tell Williamson before he got his bill of the cheat Bruce had been guilty of, yet he told it him at meeting, and asked his assistance to carry Bruce to prison, which he refused, and did not then demand back his bill; so that instead of Gibb's putting a trick upon Williamson, this last, by his process before the Justices, was taking a catch of him;—yet as there appeared nothing rigorous or cruel in the proceedings of the Justices, (men of good character) we rather presumed that they erred through ignorance. I confess, though I would not carry it so far as to punish the Justices by fining or otherwise, yet in as far as the action was *rei persecutoria*, I inclined to find them liable,—yet I easily yielded to the opinion of the other Lords who spoke, and there was no vote.

No. 11. 1742, July 30. CASE OF CLERK OF SUPPLY OF BANFFSHIRE.

See Note of No. 2, *voce* COMMISSIONERS OF SUPPLY.

* * The case of the Collector of Supply of Lanark, 2d July 1747 referred to here and *voce* COMMISSIONERS OF SUPPLY is thus mentioned:

WE passed a bill of suspension of the election of the Collector of Supply of Lanark to the end of discussing the point of right, but prejudice of the Collectors continuing to levy the cess till the suspension be discussed; and the parties agreed that the suspension should be discussed on the bill, *referente* Leven. This is the reverse of what we did 30th July 1742, in the election of a Clerk of Supply in Banffshire, and had done before in the Merse.

No. 12. 1743, Nov. 8. CASE OF MURRAY, KEEPER OF MINUTE-BOOK.

See Note of No. 9, *voce* MINOR.

No. 13. 1744, Dec. 14. SIR A. COCKBURN *against* SIR W. COCKBURN, &c.

THE question was, Whether the office of King's Usher, or as it is called in writings Ostiarius, to which there is annexed a salary of L.200 sterling, which seems to have been in place of maintenance or living due to them for their attendants by the original grants, whether that office be adjudgable or affectable by creditors, and whether a judicial sale of it can be pursued by the creditors? After two hours reasoning it carried that this office was and is adjudgable. *Pro* were Justice-Clerk, Minto, Drummore, Haining, Dun, Balmerino, Monzie, and Tinwald. *Con.* were Kilkerran, President, Murkle, Leven, Arniston, *et ego*. Strichen did not vote.

No. 14. 1747, June 25. MARY GAINER *against* MR R. WALLACE.

IN this case we all agreed in finding it proved that he had vitiated the record of this Court, *i. e.* (the extract of our warrant to the Commissaries of Edinburgh, by changing