

No 1. proper goods, then the probation of the property of the goods would be given to the officer and he for whom they were poinded, because it is to prescribe for the officer, and that he does not to the other party, that alleges these goods to have been his, and not the man's whose they were poinded; and this is the practick of Scotland. And anent the said reply in the said action of spuilzie of Wedderburn against Hay, *certata fuit latere precedenti*, that the said Mr George could not be excused frae the spuilzie, because the officer was sent by him, and his own household servants with him, and his gear brought to him, and come to his use and profit, and that therefore it is not presumed but that the knowledge of the gear poinded, and how the Laird of Wedderburn his servants offord to swear and prove the gear their master's, and not the Laird of Blackader's, came to his ears. (See APPENDIX.)

*Fol. Dic. v. 2. p. 93. Sinclair, MS. p. 60.*

1553. July 6. ——— against LD GLADSTANES' BROTHER.

No 2.

No creditor may poind a tenant for the landlord's debt, so long as the landlord has moveable gear proper of his own, or lands to apprise; as was practised in the action betwixt the L. of M. and the L. of G. in a matter of double poinding.

*Fol. Dic. v. 2. p. 93. Maitland, MS. p. 117.*

1555. January 12. & 13. DAVID SIBBALD against LORD SINCLAIR.

No 3.

NA man may poind or distreinzie ane bucket or wand of ane salt pan, for ony kain salt or uther dewtie auchtand to him be the awner thairof, gif thair be uther gudis and geir, sic as salt, or insicht gudis, pertening to him streinzie-abill for the said debt.

*Fol. Dic. v. 2. p. 95. Balfour, p. 400.*

1556. January 14. A. against B.

No 4.

No man may poind a tenant's teinds for a debt of them of whom he has the teinds, notwithstanding the act of Parliament make mention, that any tenant shall be no further poinded for his master's debt, but for one term's mail; as was directed by the Lords, in an action pursued by A. against B.

*Fol. Dic. v. 2. p. 93. Maitland, MS. p. 120.*