

MONEY.

BORELAND *against* THISTLE BANK.

MONEY, or bank notes, which serve the purposes of money, are not subject to any *vitium reale*. See Kaimes' Rem. Dec. 105; and the same by Kilk, p. . The same was found, *anno* 1769, *Boreland, weaver in Paisley, against Thistle Company at Glasgow.*

MONOPOLY.

1774. *March* 10. ROEBUCK, GARBET, and COMPANY, *against* STIRLINGS and COMPANY.

DR John Roebuck, Samuel Garbet and Company, having, as they alleged, discovered a new invention of extracting the oil or spirit of vitriol from sulphur, in vessels of lead, thought it prudent to take the protection of a patent for the time permitted by law. They applied by petition to his Majesty, in usual form, for a patent for fourteen years, limited to Scotland, where the manufacture was to be carried on. This petition was remitted to the Lord Advocate, to consider and report his opinion thereon; and, at the same time, Mr Garbet emitted an affidavit that Dr Roebuck and he had, with much study, and at great expense, made this discovery; and that, so far as they knew or believed, the same had not been made or used by any other person. Upon considering this petition, Lord Advocate made a report, that he was humbly of opinion that his Majesty, if graciously pleased so to do, might grant the patent prayed for, provided that the petitioners did, within a limited time, cause a particular description of their said invention, by writing under their hands and seals, to be enrolled in the Chancery in Scotland. And accordingly the patent was granted, and expedite.

Messrs Stirlings and Company, in the neighbourhood of Glasgow, thinking this patent obtained by obreption and subreption, and the terms of it not properly complied with, resolved to pay no regard to it,—and begun to erect buildings for the purpose of carrying on a manufacture of the same kind. Messrs Roebuck and Garbet, in January 1772, presented a bill of suspension of their work, praying for an interdict. Lord Hailes, Ordinary on the Bills, 21st January 1772, pronounced this interlocutor:—"In respect that the suspenders do not show, that the erecting any manner of buildings is within the words of