

sonal conclusion against the other Justices, because he thought they did it ignorantly and were misled by the Sheriff-Substitute. I had some difficulty as to reducing the fine, because I thought the calling a Sheriff a rogue a great indignity, and quoted the case 14th November 1679 Town of Kirkaldy, (Dict. No. 98. p. 1984;) but the Court distinguished betwixt indignities done them in their office, and those done them as private men; and reduced the whole sentence, and found the Sheriff liable in damages and expenses; but inflicted no further censure.—3d August, Adhered.

PUBLIC POLICE.

No. 2. 1735, June 24. COLONEL M'DOWALL *against* MRS BROWN, &c.

THE Lords found that no bottles could be sold in retail but what were of some certain denomination, of quart, pint, chopin, and their fractions, and thought the seller bound to make up the quantity; but superseded determining further till Thursday, because it was said it was impossible to make bottles exactly agreeable to the standard, that the Lords might inform themselves.

No. 3. 1735, July 28. TOWN OF CANONGATE *against* THE MAGISTRATES OF EDINBURGH.

THE Lords adhered to the interlocutor finding the inhabitants of the Canongate may buy fish. The interlocutor is general without difference whether they are brought to be sold again or not.

No. 4. 1742, June 17. TOWN OF EDINBURGH *against* BRUCE of Grange.

THE question upon the act anent casting about high roads, Whether the meaning is that the new road can be no more than 200 ells longer, or that it can be no more than 200 ells distant from the old road? We affirmed Kilkerran's interlocutor, which in effect found that the new road can only be 200 ells longer, but not in express words.—27th June Adhered, and refused a bill without answers.

No. 5. 1743, Feb. 23. COLONEL STRAITON *against* THE BURGH OF MONTROSE.

IN this process upon the riot act, for some hundred bolls of meal taken from Colonel Straiton, two questions occurred. 1st, The libel did not conclude against the Burgh of Montrose in so many words, but against the Magistrates and their successors in office, as representing the Burgh. 2dly, Whether action lies by that act only for repairing the damage done to the house demolished or pulled down, or if there be also action for goods taken away? Upon the first question a doubt occurred, against whom execution could