

baxters proved in general that the Rebels ordered the Magistrates of Canongate to get bread baked for the Army under pain of military execution, or that the Rebels would go to the baxters shops and take it, but brought no proof of any scarcity of wheat in the town or of any force on the defenders more than the other inhabitants, and no force on any of them to buy the pursuers wheat. On the contrary there seemed to the majority to be evidonee that it was voluntary. Therefore we (17th November 1748) found them liable for the current prices without regard to the payments made the Rebels, whose receipts they produced, *renit.* Milton, Drummore, &c. and (22d November) found them not liable *in solidum*, but every one for his own intrusions.—24th February 1749, We unanimously altered this last and found them liable conjunctly and severally, and gave only the expenses of extracting the decret,—*me renit. inter alios.*

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### WADSET.

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No. 1. 1734, Feb. 13. **BOGUE against MITCHELL.**

THE Lords found it a proper wadset; 2dly repelled the prescription.

No. 2. 1735, Dec. 2. **COCHRAN of Hill against COCHRAN.**

THE Lords allowed a proof before answer of working coal and limestone *cum onere maximarum expensarum.* The President was of a different opinion, because the sale being for an adequate price he thought this reversion expired without declarator; and I should have been of the same opinion, but as that point was settled by the Ordinary's interlocutor, and we could not now review or alter it, I thought it could not alter the point of law supposing it to be a wadset, and so the proof was granted.

No. 3. 1736, June 18. **GIBSON against CROCK.**

THE Lords adhered *nem. con.*; and we thought the reversion needed not be registrate after using the order, and that the subsequent infestment was void and null.

No. 4. 1738, Dec. 19. **STORY against POLLOCK.**

See Note of No. 3, *voce* IRRITANCY.

No. 5. 1740, June 17. **M'LEOD of Genzies against Ross of Aldie.**

THE Lords found no usury, but seemed more doubtful whether the wadsets were not improper. They seemed to think that a wadset with a back-tack was an improper wadset, and the wadsetter liable to account after attaining possession, (for during the back-tack he gets only his annualrents, or if the back-tack duty exceeds the annualrent it is usury;)