

to get payment) attached by the alleged granter as forged ;—the Lords, in respect that no judicial demand had been made upon it, and that the creditor did not subject it to a trial here, found themselves not competent to try the forgery, and ordered the note to be given up to the woman's agents.

No 15.

1738. *January 10.* SINCLAIR *against* M^cLEOD of Cadboll.

No. 16.

SESSION no competent Court for levying the penalties of the act 8^{vo}. Annæ and 9^{mo}. Annæ, concerning apprentices' indentures, though they can declare the nullity. *Vide* APPRENTICE.

1738. *July 27.*

PROCURATOR-FISCAL of the ADMIRALTY-COURT *against* M^cKENZIE of Corrie.

No. 17.

THE Judge-Admiral having tried a process of oppression against a Bailie for seizing and carrying off herrings and nets, &c. without any trial or sentence, and fined the Bailie ;—upon a suspension, the first objection was, that the Judge-Admiral could not try the crime without a Jury, which the Lords repelled, since it could not affect either life, limb or fame, 21st July 1738 ;—2^{dly}, That the witnesses were all *testes singulares*, and two witnesses did not concur as to the same act, which was also repelled ; because they thought this a general crime, (though some differed,) and found the letters orderly proceeded. (See DICT. No. 227. p. 7510.)

1738. *November 28.*

TOWN of LANARK *against* COMMISSARY HAMILTON.

No. 18.

NOTWITHSTANDING a general power in the Commissary of Lanark's commission to hold courts in any place of his jurisdiction, yet because of the ancient use and custom, he was found obliged to hold his ordinary courts at Lanark ; but prejudice upon extraordinary emergents to hold courts *pro re nata* elsewhere within his jurisdiction. (See DICT. No. 297. p. 7582.)