

No. 4. 1736, Feb. 18. STIRLING *against* M'QUEEN.

THE Lords sustained the poinding for the master's rent within five days after decret of his own Court, and indeed it would seem that three days was the time necessary as in removing. *Vide* Jas. III. Parl. 5, Act 34, and M'Kenzie's observations, *ibidem*. They also repelled the objection that there was only one appretiation on the ground and not another at the manor place, 17th December 1735.—February 18th The Lords adhered.

No. 5. 1736, Feb. 19. MOWBRAY *against* DRUMMOND.

THE Lords adhered to the former interlocutor finding the poinding oppressive, but by the President's casting vote it carried, no spuilzie. For the spuilzie were Royston, Kilkerran, Murkle, *et ego*. Against it were Newhall, Minto, Haining, Monzie, and President.—31st January 1736.

The Lords adhered to the former interlocutor of the 31st ult. finding it no spuilzie, though many of the Lords thought it should not be a precedent.

No. 6. 1737, Nov. 15. CRAWFORD *against* TACKSMEN OF LANGTOWN.

See Note of No. 7, *voce* HYPOTHEC.

No. 7. 1741, Dec. 17. KIRKLAND *against* MILLAR.

IN a poinding of standing corns begun the 30th August, the messenger taking no further notice of the corns by himself, or any employed by him, after the poinding on the said 30th August, but having left the creditor to cut down the corns and to lead and stack them as he pleased; and he having stacked some in the debtor's barn-yard, and carried most of them to his own barn-yard; the messenger did not complete the poinding till December, February, March, and April, when the different stacks were poinded by casting and proving, but without any evidence that there was no embezzlement nor even that they were the same corns. The Lords sustained the objection to the poinding and found it void and null.

No. 8. 1742, Feb. 5. ALEXANDER LE GRAND *against* CHALMERS.

FIND that Mr Le Grand was guilty of no breach of duty in not admitting to entry, and therefore advocate the cause and assoilzie. I doubted of the jurisdiction, and stated the question, If a collector should refuse to admit the proprietor to make an entry and pay duty, that remedy lies, and where? The President said we needed not determine that point here.

No. 9. 1742, July 20. LOCKHART of Carnwath *against* RICHARDSON.

MR LOCKHART, a creditor to his brother-in-law Sinclair of Roslin, got a disposition in security, but Sinclair being rendered bankrupt in terms of the act 1696, Mr Lockhart