

out as above, only one witness said, that Sir John, after his nose was pulled, put his right hand towards his sword, when he was gripped. We then removed them to consider of the case, and at removing, Sir John left a signed paper, begging pardon of the Court, and wishing no further censure might be inflicted on Mr Brown; and a little after Mr Brown also sent in a paper much of the same sort. In advising, it was agreed, that before resolving on the censure, the President should acquaint Sir John, that of himself it was expected that he would ask pardon of Mr Brown for the injurious expression, and promise that he would retain no further resentment of what had passed; and as the promise was made in face of Court, they would look upon it as made upon honour, though that was not a style the Court used; and that Mr Brown should be acquainted, the Court expected that of himself he would ask pardon of Sir John, and make the like promise. Sir John said, "if the Court would order him, he would do any thing in obedience to their order, but had nothing of himself to acknowledge;" and after being again and again pressed, he said to Mr Brown, "Since the Court desires it, I, in obedience to them, beg your pardon;" and Mr Brown immediately answered in substance, "that he was sorry for what had happened, and since you beg my pardon, I also beg your pardon; and if Sir John is willing to promise that there shall be no more of it, he was ready on his part to make the like promise;" but Sir John, after a good deal of speaking, refused to make any promise; and thereupon, as it was then two o'clock, and the Court afterwards to be held, we remanded Sir John back to prison, and ordered Mr Brown to appear to-morrow at ten o'clock. And 12th January, Sir John and Brown both promised to keep the peace; and thereon we pronounced sentence, fining each of them in 500 merks to the poor's-box, and each of them to find bail with one or two cautioners, (under the penalty) to keep the peace both in general, and with one another for two years, under the penalty of L.500 sterling, to be paid in case of contravention to any of our clerks, to be disposed of as the Court shall direct.

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1749. *December 13.*

FRIENDLY INSURANCE COMPANY *against* The ROYAL BANK.

No. 50.

IN a process between the Insurance Office and the Royal Bank, so many of the Lords were concerned in the one or the other Company, that if they were declined there did not remain a quorum; and therefore they were not

No. 50. allowed to decline themselves, not even the Justice-Clerk, though an Extraordinary Director of the Bank; but Lord Milton, the Deputy-Governor, was allowed to decline himself.

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1750. *January 5.* COLLECTOR SHAW *against* COLLECTOR GROSSET.

No. 51.

A PROCESS at the instance of Collector Shaw at Perth, against Collector Grosset at Alloa, for the half of the prosecutor's share of some tobacco condemned in Exchequer, said to be due to him as first discoverer by the act Geo. I. cap. 21, § 7, was found not competent in this Court; and therefore the process was dismissed, for we thought it competent only in the Court of Exchequer.

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1750. *July 28.*

JOHN DUNLOP *against* KENNOWAY, Stampmaster in Linlithgow.

No. 52.

NINETY hogsheads of lintseed being seized and condemned by the Justices of Peace of Stirling as insufficient for sowing, and imported contrary to the act 13th Geo. II., a bill of suspension was offered for that, *1st*, The Justices were sole judges only where such lintseed is offered for sale; *2do*, It is only in that event that any penalty or forfeiture is enacted, and though importation be prohibited, yet neither penalty nor forfeiture is annexed; *3tio*, Offered proof that the seed was fit for sowing by making the experiment, though it was discoloured by a tedious voyage from Holland: But we found the bill of suspension not competent, and therefore refused it.

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1751. *January 16.*

The DUKE of ATHOL, BISSET, and EDWARDS, *against* MURRAY.

No. 53.

THE Duke of Athol, Bisset, and Edwards, having pursued reduction of a bail-bond taken by him from Bisset and Edwards for his servant Murray, whom he was to employ under him to collect customs at Alloa, for L.1000 sterling in the King's name, and likewise reduction of accounts stated betwixt Grosset and Murray, making Murray debtor in L.1100 sterling, on the head of fraud and circumvention, both in eliciting these bonds from the