

- No. 17. Coupar, No. 8. *supra.*) But on a reclaiming bill I observed that the cases were different. There the Earl of Sutherland used them only to prove a fact, that the vassal had committed a feudal delinquency to infer the recognition; but here the pursuer was using these writs as his authors, and consequently his own titles to the lands and to the rents sued for; and the Lord Ordinary and the Court agreed to the distinction, and therefore remitted the cause to the Lord Ordinary.
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1752. July 30. LESSLY of Lumquhat *against* HUNTER.

No. 18.

ARNOT, a weaver, being employed by Lessly of Lumquhat to weave two webs of linen, sent them afterwards to Hunter's bleachfield, and marked them with his own name, and then broke, when he owed Hunter an account of bleaching a former parcel of linen; therefore Hunter retained Lumquhat's cloth for payment of that account, saying that he bleached it as Arnot's, whose name was in it, having in his advertisements directed the owners to sew their names in the cloth. Lumquhat sued him before the Justices of Peace, and on a proof of his property, that is, of his property of the yarn, and employing Arnot to weave it, and paying him for weaving, recovered decret, on payment of the bleaching only of these two webs;—which Hunter suspended;—and Lord Kilkerran affirmed the decret;—and we adhered, but only by the President's casting vote.—N.B. Lumquhat denied that he knew or consented to Arnot's marking the cloth with his own name. (See DICT. No. 130. p. 2660.)

See NOTES.