

having, on a warrant to search, broke open his cellars, and seized four hogsheads of white wine, which were not exciseable, but under the customs, and were afterwards condemned in Exchequer for not paying the King's duty, and for certain other irregularities in the seizure. The Excise officers suspended, and alleged that this question could only be tried in Exchequer. Answered, That before the act *9no* Geo. II. there might have been some hazard of a collision of jurisdictions, because before that act the manner and lawfulness of the seizure was part of the issue tried in Exchequer; but now the manner of seizing is no part of the issue in that Court, and therefore any injury committed in making the seizure, may be tried in the same way as any other injury. Lord Drummore found the process competent, but on reclaiming bill and answers, we superseded till we might have a conference with the Barons of Exchequer.

No. 59.

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1753. *January 31.* BRUCE *against* FRENCH, Procurator-Fiscal.

No. 60.

ONE who has in terms of the jurisdiction act once qualified by taking the oaths as Baron Bailie of one Barony, and lodged his certificate in the Sheriff-Court,—not bound to qualify again as Bailie of another Barony in the same shire;—and one being fined L.10 by the Sheriff of Aberdeen for not having so qualified a second time, we suspended the letters *simpliciter*.

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1753. *August 7.* AUCHINCLOSE, &c. *Supplicants.*

No. 61.

A SHERIFF-OFFICER and two Commissary officers who made a false execution, the one as officer and the other two as witnesses, bearing, that the execution was in their presence, though they were not present, were, in respect of their ingenuous confession, sentenced only to be put upon the pillory at Glasgow.

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1753. *December 11.*

JUSTICES OF PEACE OF FIFESHIRE, *Petitioners.*

A PETITION was presented to us in the name of ten or eleven Justices of Peace of Fifeshire, showing, that they had convened before them two Excise-officers, who had broke into General Sinclair's house, and justified what

No. 62.