

1762. February 24. BELL *against* THOMSON.

No. 32.

The Lords reduced a submission, on proof that it was signed by one of the parties *metu carceris*.—See APPENDIX.

Fol. Dic. v. 4. p. 395.

1791. May 24. FOREMAN *against* SHERIFF.

No. 33.

Bill granted
metu litis.

Cattle belonging in part to Sheriff, on their way from Falkirk tryst to East Lothian, broke in the night time into a field of hay stubble, but being watched by the drovers did little or no damage. The owner of the field offered to compound the matter on payment of 10 guineas ; but threatened, if that sum was not immediately paid, to sue for a much larger sum ; and some delay having taken place, he made a new demand for £.50. Sheriff, intimidated by the high language of the owner of the field, who was backed by his neighbouring farmers, granted a bill for his proportional share of this high sum, and the other owners of the cattle paid down the money according to their shares. In a suspension of a charge against Sheriff for payment and a reduction of this bill, the Lords found, in the circumstances, there was sufficient ground for reduction, if the damages claimed should be proved to be exorbitant, and they remitted to the Lord Ordinary to allow a proof.—See APPENDIX.

Fol. Dic. v. 4. p. 395.

See APPENDIX.