

POOR.

1772. *November* . THE PARISH OF ECKFORD *against* ADAMSON.

THE maintenance of poor people falls upon the parish of their last three years' residence, preferably to the parish of their birth, even though this should be known, *7th August 1767, Baxter*. This held to be law, Minister of Eckford *against* Adamson.

November 1772.—This case was a reduction of a decret of the Sheriff of Roxburgh, who had not only found the Parish of Eckford, on the principle above-mentioned, liable in the expense of maintaining Adamson, but had also *in prima instantia* modified that maintenance to two shillings weekly, while the market price of oatmeal should continue above one shilling and fourpence per stone, and of one shilling and sixpence a-week when it should be at and below that sum. The justice of the first part of his sentence was acquiesced in; but the second part was disallowed and reduced. It was matter of distribution of charity, of which the Kirk-Session and Heritors were the proper judges, at least *in prima instantia*. At the same time several of the Lords gave their opinion, that the Sheriff had no power to cognosce in it, either *in prima vel secunda instantia*.

1777. *January 22*. POOR JANE GRAY *against* THE HERITORS OF LASSUDEN.

THE point again occurred in the case of Poor Jane Gray against the Heritors of Lassuden. In this case a process having been brought at the pauper's instance, against the Heritors, before the Sheriff, and they having suspended,—the Heritors, of consent, agreed, before the Ordinary, that the poor woman should have, of charity, a shilling a-week; for which the Ordinary decerned. But she having applied to the Ordinary for an enlargement of this allowance, and for expenses, the Lord Ordinary refused the application; and, upon bill and answers, the Lords adhered, *22d January 1777*.

The Heritors insisted that this point behoved to come before them *prima instantia*, as in the case of Adamson; and that though they had agreed to the allowance of a shilling a-week, yet they would go no higher; at least if they did so, they would do it without compulsion, and that the Sheriff nor any other Judge had power to force it. The Lords were of this opinion: they thought it a matter of great delicacy, and that although, where heritors were capricious and inhumane, they might interpose and correct them, yet in ordinary cases they never would.