

1772. November 20. MINISTER of KIRK-SESSION of ECKFORD *against* JOHN ADAMSON.

POOR—JURISDICTION.

Sheriff has no power to fix the *quantum* of Parochial Aliment to indigent persons out of the Poor's Funds, and pass decree therefor, in the first instance.

[*Fac. Coll.*, VI. 73; *Dictionary*, 7669 and 10,577.]

PITFOUR. Our conduct, as to the poor, is regulated by the proclamations in the reign of King William. The Sheriff has power to supply what the heritors have omitted. I desire not to see either the state of the funds or the state of the poor in the parish. It is enough for me to see, that the parish gives this man but eighteen-pence a-week, which is not a sufficient maintenance. I would let him have what the Sheriff has decerned, reserving to him to apply hereafter for an addition.

HAILES. According to Lord Pitfour's principles, he must allow that this Court must first of all ordain an account of charge and discharge on Adamson's trade of eggs, that it may be known whether eighteen-pence, and the profits of his trade, are not sufficient for his maintenance.

KENNET. The establishment of poor in this country is better than in England, for that they who pay the expense of the poor see to the application of the payment. The Sheriff has no power in this matter, in the first instance.

KAIMES. If Lord Pitfour's parish maintained its poor, he would not have given the opinion he has given. The only check which we have against profligacy, consists in the power of the kirk-session and heritors to distribute the parochial charity among those who are real objects of that charity.

COALSTON. There is no doubt that the heritors and the kirk-session, here, have a power of laying on such taxation as is necessary for alimending the poor. If they either neglect the poor in general, or particular persons among the poor, there is a remedy by the proclamations; but that is not the case here. The Sheriff directly decerned for an aliment, without allowing the heritors and kirk-session to judge in the first instance.

GARDENSTON. The Sheriff's decree is totally inept. He went ridiculously out of his road. There is no law in this country authorising an action for charity.

PRESIDENT. I wish the person who spirited Adamson to this action were a party, that we might find him liable in expenses; which he well deserves to pay, for contradicting the established rules of national police.

On the 20th November 1772, "The Lords reduced the decree of the Sheriff; and, in respect that the defender is on the poor's-roll, found no expenses due."

*Act.* Adam Ogilvy. *Alt.* Absent.

*Diss.* Pitfour.