

statute was to prevent an evil then beginning to arise. The common law had already subjected personal offenders to damages: if furniture were included, there would be a hurt instead of an advantage to the party suffering; for, by the statute, there is a short prescription of two months introduced. As to the mode of levying the damages, they are leviable on the county in general, *i. e.* on the inhabitants. Inhabitants are liable in England, and the purpose of the law was to bring the two parts of the kingdom under the same regulations. The only method of carrying the law into execution, is by levying on the county. The inhabitants of boroughs are not liable. *Boroughs* and shire are contradistinguished by the statute.

On the 31st January 1775, "The Lords found the pursuer entitled to damages arising from the demolition of his house, but not for damages arising from the destroying of his furniture; and remitted to the Justices of Peace to assess the different parishes, and to proportion such assessment among the present inhabitants and indwellers."

*Act.* A. Crosbie. *Att.* H. Dundas.

*Reporter,* Coalston.

*N.B.*—The Court was almost unanimously of Lord Coalston's opinion as to the mode of assessment. I still think that the mode is inextricable, and that the parties concerned will at length have recourse to the valued rent, which, however unequal, is an intelligible rule for proportioning the damages: the rule established will create an expense equal to the subject in controversy.

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1775. February 2. ANDREW and ROBERT LOOKUPS, *Petitioners.*

THE petitioners, having heard of the death of one John Lookup in Virginia, desired to have evidence of their propinquity to him. The first point to be established was, *who* is the John Lookup? The petitioners imagined that he was Mr John Lookup, advocate, and that his identity might be proved by comparing his handwriting with the handwriting of the Virginia John Lookup. With that view, they applied to the Court for a warrant to deliver up on receipt, and under an obligation to restore, certain writings of Mr John Lookup, advocate, which lay in a process before the Court of Session.

On the 2d February 1775, "The Lords granted the desire of the petition, on finding caution for L.5, and ordered notarial copies to be taken before the clerk delivers up the writings."

*For Petitioners,* A. Ogilvy.