

Upon a reclaiming petition, the Lords found the tenant liable in £6, instead of 40s.

In a case between

1785. The DUKE of ROXBURGH *against* ARCHIBALD,

The Sheriff of Roxburgh found, that the tenant was not at liberty to sell any of the straw that grew upon the lands: and the Lords refused a bill of advocacy.

See the case of *Trotter against Finnie* in 1767,—Select Dec. P.

MESSENGER.

1776. *December 20.* WOOD and MASON *against* SKENE.

A MESSENGER having received from a debtor, whom he had apprehended, payment of ten shillings, as the fees of another messenger, who was his employer and doer for the creditors; the Lords found the same an undue and illegal exaction; although, in fact, the debtor granted bill for the ten shillings without objection, and that the fees exacted were not exorbitant nor more than ought. They considered the Act of Sederunt, 4th November 1738, as a most salutary and beneficial regulation, and highly proper to be kept in strict observance to bar every door against oppressions of this kind. It was proposed to have enforced this in the late regulations as to messengers, but it was struck out as unnecessary: reported by the committee to be already provided for by common law and Acts of Sederunt. At first the Lords talked of depriving the messenger, at least of suspending him. At last, however, they pronounced this interlocutor:—20th December 1776, “Find that the respondent acted illegally and unwarrantably; and therefore find him liable in the expense of this complaint, which modify to £3, and for the expense of extract. And, in respect it does not appear that the respondent meant to act fraudulently or oppressively, proceed to no further censure, and appoint a copy of this judgment to be transmitted to the Lyon-Court, in order that the same may be notified to the messengers, to deter others from committing the like illegal practices in time coming.”

1778. *February 27.* ROBERT MONRO *against* ALEXANDER MACPHERSON.

In a complaint of a similar nature, Robert Monro of Auchnagarl against Alexander Macpherson, messenger in Tain, the Lords seemed inclined to pro-