

STIPEND, MINISTERS'. See MINISTER'S STIPEND.

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SUMMARY APPLICATION.

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1776. *June 26.* CALDWALL, Petitioner.

A TUTOR at law having applied to the Court, by petition, for the custody of the pupil's person, detained by an uncle by the mother's side, the Lords thought the application competent by summary petition.

The like, Kilkerran, p. 524, *M'Dowal, &c. tutors of Janet Marshall.*

Competent for Fraudulent Bankruptcy, Kilk. p. 525, and against a judge for oppression, Kilk. p. 526.

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1776. *August* . BEAUMONT *against* JOHN CRAIG, Messenger in Ayr.

A MESSENGER, having been employed to execute a caption, took it upon him, though not possessed of the ground of debt, *viz.* a bill upon which the diligence proceeded, to receive payment from the debtor, but, instead of paying it to the creditor, kept it in his pocket, and concealed that he had received it. The debtor, not suspecting any thing, was of new attached for the same debt, and obliged to pay it a second time, whereupon he, 16th July 1776, gave in a summary complaint against the messenger; and although the private complainer, on receiving satisfaction from the messenger, withdrew from the complaint and declined to proceed farther, yet the Lords ordained the messenger to give in answers for the sake of the public, and recommended to the King's counsel to take notice thereof, so far as the public was concerned, and to bring it to an issue. Answers were given in by the messenger accordingly, confessing the charges, but, from want of health, &c. endeavouring to excuse it. The Lords, this day, 25th July 1776, on advising petition and answers, deprived the messenger of his office, and sentenced him to a month's imprisonment.

And this day, 3d August 1776, refused a reclaiming petition without answers, and adhered.

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WITHERSPOONS, Petitioner.

UPON the statute 1696, c. 8, summary application is competent for obliging