

No 28.

among the different classes of inhabitants. A contrary judgment was indeed given, both in the case of the Procurators of Glasgow in 1785 and in that from the Cannongate in 1789. The former however went very much on specialities. The latter, and the case from the Calton of Glasgow, are therefore in fact the only two judgments upon the general point; and as they received opposite determinations, the question may still be considered as open for future discussion. THE COURT refused the bill.

Lord Ordinary, *Methven*. For the Suspenders, *Greenshields*. Alt. *Geo. Fergusson*.
R. D. *Fol. Dic. v. 4. p. 194. Fac. Col. No 121. p. 270.*

1796. May 31.

JOHN AITCHISON and others *against* The MAGISTRATES and BILLET-MASTER of Haddington.

No 29.

All the inhabitants of a royal burgh are indiscriminately liable to have soldiers billeted upon them, except schoolmasters, unmarried women, and paupers.

THE Magistrates of Haddington had, from time immemorial, directed their billet-master to quarter soldiers, first on bakers, brewers, butchers, inn-keepers, grocers, and retailers of ale and spiritous liquors, and upon the rest of the inhabitants only in cases of emergency.

The persons primarily subjected to this burden brought a suspension against the Magistrates and the billet-master, in which they concluded, that it ought to fall indiscriminately on all house-holders.

The arguments used in both sides were, in substance, the same with those stated in the report, 3d June 1794, *Crawfurd against Wilson*, No 27. p. 13084.

THE LORD ORDINARY found, "That the quartering of soldiers in the town of Haddington should be equally upon the whole of the inhabitants without distinction, and therefore, suspended the letters *simpliciter*."

And, on advising a representation for the chargers, with answers, his Lordship "found, that the school-masters, unmarried women, and paupers, could not be quartered upon; and with that variation, refused the desire of the representation"

The Magistrstes having brought these judgments under review, three of the Judges were for altering them, and supporting the former practice of the burgh. The grounds on which they went were the same with those stated for the pursuers in the report, 6th February 1789, *Earl of Wemyss against the Magistrates of Canongate*, No 25. p. 13080.

A great majority of the Judges, however, were for adhering to the judgments of the Lord Ordinary, precisely on the grounds stated in the opinion of the Court in the case of *Crawfurd*.

THE LORDS "adhered."

Lord Ordinary, *Justice-Clerk*. Act. *C. Brown*. Alt. *Walker Baird*. Clerk, *Sinclair*.
R. D. *Fol. Dic. v. 4. p. 194. Fac. Col. No 219. p. 514.*