PUBLIC BURDEN.

No. 1. 1747, June 30. COPLAND *against* MOSTINE AND OTHERS.

COPLAND, as tacksman of the cess of Aberdeen for the year 1745 (according to the custom of that burgh, who advance the cess out of the town's revenues, and then let it by public roup) 25th June 1745 gave public intimation calling for payment, and continued to levy, till the Rebels came to town and appointed collectors of their own. After which, on 21st November, Mostine and others made tender to Copland of the cess, when indeed he durst not receive it, or at least must have paid it to the Rebels, and therefore he refused it; and they were afterwards obliged to pay it to the Rebels. After the Rebellion, Copland sued them before the Magistrates, and recovered decreet; and they offered a bill of suspension, which on report we unanimously refused.

PUBLIC OFFICER.

No. 1. 1735, Feb. 6. PATERSON *against* INGLIS.

THE Lords found the action against Charles Inglis, clerk of the bills, not competent by way of summary complaint, but by way of ordinary action.

(The case of Montgomery, *alias* M'Viccar, against Inglis, 8th, 18th June 1748, here referred to, is mentioned as follows:)

Clerk of the bills cannot be convened by summary complaint, to be *subsidiarie* liable for the debt, for having received two tenants as cautioners for one another, bound conjunctly and severally in the tack for the rents charged for. But some of the Judges thought that he might even by summary complaint have been found liable in damages.

A suspension by two tenants having been discussed, this complaint was entered against Charles Inglis, clerk of the bills, for receiving them cautioners for one another, though both of them before liable. It prayed to find him liable as cautioner for them for the whole prestations of the tack decerned against them. We found the complaint with these conclusions not competent summarily in this form; though Arniston and others thought that a summary complaint for damages might have been competent, but not for these conclusions.

No. 2. 1735, July 4. HOME *against* M'KENZIE and JUSTICE.

THE Lords found both clerks liable for the pursuer's damage by the loss of the execution of the adjudication; though the decreet was extracted before Mr Justice's admission.—4th July 1735.