

1736. *February 18.* STIRLING of Keir *against* M'QUEEN.

No. 4.

POINDING for rent on Baron-decreets within five days after the decree sustained, and it would seem that only three days are necessary as in removing, 24th act of Parliament 5th James III. and M'Kenzie *ibidem*;—and the objection that there was but an appretiation on the ground, and none at the manor-place, repelled, 17th December 1735, 18th February 1736.

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1736. *February 19.* MOWBRAY *against* DRUMMOND.

No. 5.

POINDING a whole crop of corn for L:8 found oppressive, and the poinder liable in damages and expenses; but found no spuilzie, though being poinded on the ground, they were cut down, stouked, and stacked, without being proved, by the messenger's order; 29th November 1735, 31st January 1736, and 19th February 1736.

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1737. *November 15.*

CRAWFORD of Auchnames *against* The TACKSMEN of Langtown.

No. 6.

WHETHER one who stops poinding on any colourable ground, is liable universally, or only *in valorem*, will depend on the way and manner, whether violence was used. *Vide inter eosdem voce* HYPOTHEC, No. 7. (See DICT. No. 47. p. 10531.)

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1741. *December 17.* KIRKLAND *against* MILLAR.

No. 7.

POINDING of standing corn, begun 30th of August, when the messenger poinded the whole crop by rips, and left the creditors to cut down, lead, and stack it as they pleased, who accordingly stacked a part of it in the debtor's barn-yard, but most of it in their own barn-yards, without any one employed by the messenger to oversee it, and the messenger having completed the poinding by casting the several stacks to the proof from time to time in the months of December, February, March, and April;—the poinding was found void and null.