

No. 3. 1743, Nov. 2. *CAMPBELL against HOME and SINCLAIR.*

(See Note relative to this Case, *voce* MEMBER OF PARLIAMENT.—ED.)

No. 4. 1744, Feb. 16. *WEIR against BAILIES of HAMILTON.*

THE House of Peers having reversed our decreet, assoilzieing the Bailies of Hamilton from a process at Waggateshaw's instance against them and others, for meal taken from him by the inhabitants of Hamilton in 1740, and found them liable for his damages, and ordained that the Court of Session give directions for carrying that judgment into execution; the pursuers applied for letters of inhibition and arrestment, in time of vacance, and Drummore, Ordinary, refused both, and would not, it seems, consider it either as a decreet or as a depending process; and thereupon the pursuers raised and executed a new libel libelling their former process and judgments, and upon it got letters of inhibition and arrestment. This libel came before Kilkerran, who refused to proceed on it without a special remit from us, which occasioned a petition to us. We indeed thought both Ordinaries too scrupulous, and remitted to Kilkerran to give execution on the Lords decreet, so as the inhibition and arrestment might be effectual.

No. 5. 1750, Dec. 5. *KERR, Deacon of Weavers of DUNFERMLINE.*

THIS was an appeal to the Circuit at Perth, certified to this Court. Therefore, on Kerr's petition, we remitted to Kilkerran, one of the two Circuit Judges, to hear and report.

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APPRENTICE.

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No. 1. 1735, Jan. 15. *STALKER against CARMICHAEL.*

THE Lords found the petition as to the usury not competent, and the other point, that the contract was against natural liberty, not relevant, and therefore refused the bill without answers.

No. 2. 1738, Jan. 18. *SINCLAIR against M'LEOD.*

THE Lords found the indentures on the act of Parliament 8th Annæ void and null, but found there lies no action of repetition of the apprentice fee; and found the penalties cannot be sued for in this Court, and that the penalties are only the double of the sum omitted.

No. 3. 1742, June 10. *MRS FENTON against ANN FINLAY.*

THE Lords refused Mrs Fenton's reclaiming bill, and gave expenses, which in effect determines, that an apprentice marrying during apprenticeship, does not irritate the indenture, or subject the apprentice to damages, when the apprentice was willing to perform.