

1742. *February 5.*ALEXANDER LE GRAND *against* WILLIAM CHALMERS.

No. 8.

DRUMMORE had affirmed the Bailie of Leith's interlocutor, finding Mr Le Grand, Collector at Leith, liable in the creditor's debt, as having stopped his poinding, because the creditor intending to poind merchant goods on ship-board, applied to him Le Grand to allow him to enter them and receive the duty, which Mr Le Grand said he could not admit of by act of Parliament, but from the merchant, importer, or his factor or servant; and Drummoré repelled the reasons of advocacy, and remitted the cause;—but the Lords advocated and assoilzied.

1742. *July 20.* LOCKHART of Carnwath *against* RICHARDSON.

No. 9.

POINDING sustained in competition with other creditors, though at the instance of a brother-in-law, and strong qualifications of simulation that it was *retenta possessione*. Mr Lockhart, a creditor to his brother-in-law Sinclair of Roslin, got a disposition in security, but Sinclair being rendered bankrupt in terms of the act 1696, Mr Lockhart could not trust to his disposition, and proceeded to poind several particulars, and among the rest, a leaden cistern, the copper for making a boiler, some rape-seed, rape-oil, and other materials for making soap, but did not remove the particulars, but made a sort of new contract with a Dutchman, Vander Wallen, whom Sinclair had hired to make soap for him, to continue to make soap for him. Lockhart, as Vander Wallen swears, paid him L.80 sterling for carrying on the work. The soap was accordingly manufactured, the duty paid by Roslin, and the soap sold by him to Dumfries merchants, and a part of the price received;—and Richardson, another creditor of Sinclair's having arrested, the Lords first preferred the arrestment, and found the poinding simulate; but this day they found no sufficient qualifications of simulation, and therefore preferred Mr Lockhart—*me quidem multum renitente*.

1750. *February 9.* GEDDES of Kirkwood *against* ———.

No. 10,

POINDING found null, because the same persons were the apprizers on the ground of the lands, and at the market cross.