

- No. 56. standing the jurisdiction act, as was found *me referente* on a bill of advocacy by Alexander Goldie, writer to the signet, of a process against him for L.4 sterling before the Magistrates of Edinburgh.

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1752. *January 15.*

ARCHIBALD and ALEXANDER M'DUFF *against* MELISS.

No. 57.

ARCHIBALD M'DUFF bought a hogshead of lintseed from Alexander M'Duff, which he borrowed from Meliss, who had bought some lintseed from Boog, who had bought part of a greater parcel from Colin Brown, where it still lay; and Archibald and Alexander M'Duff were brought to Brown's cellars, where Archibald got the hogshead of lintseed that he bought from Alexander; and it proving insufficient, both Archibald and Alexander M'Duff sued Meliss before the Magistrates of Perth on the act 13th Geo. II., and recovered decret for L.4. 15s. as the value, and L.2. 10s. of fine. Meliss suspended, and Monzie, in terms of that act, found suspension not competent. Meliss reclaimed, and the difficulty was, that Meliss had not sold the lintseed to Alexander M'Duff in terms of the statute, but only lent it till his own should come home, and one farmer lending or giving in a present lintseed to another to sow his grounds, would not be within the purview of the act; but as he lent it to be sold, and as Archibald M'Duff had certainly action against Alexander M'Duff, Meliss ought to relieve him; and therefore we adhered.

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1752. *February 19.*

MARGARET SEMPLE *against* ELSPETH MARSHALL.

No. 58.

RIOTS may be tried without Jury by Sheriffs and others, even where the punishment amounts to whipping, correction-house, or banishing the shire or town, as the Court thought; and therefore remitted back to the Sheriff a riot libelled by way of hamesucken.

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1752. *December 19.*

THOMSON, Supervisor of Excise, *against* STRAITON of Laurieston.

No. 59.

STRAITON of Laurieston recovered a decret of the Justices of Peace against Thomson, supervisor, and other officers of Excise, for damages, for