

1777. *July 31.* The PARISH of GUTHRIE *against* The PARISH of ARBROATH.

AGNEW, excise officer in Arbroath, having a bastard child by a girl resident in that parish, soon after its birth sent it to be nursed in the parish of Guthrie. Agnew was dismissed from his office, and left the country. The question came before the Sheriff,—Which of the two parishes, Arbroath and Guthrie, was liable in aliment of the child? The Sheriff assailed Arbroath; but, in passing a bill of advocacy, the Lords, 31st July 1777, remitted to the Sheriff with an instruction to find Arbroath liable. The Court went upon this, that, as Arbroath was the place of residence of the parents, it was so also of the child.

1779. *July 28.* The PARISH of DUNSE *against* The PARISH of COLDINGHAM.

IN a dispute between the Parish of Dunse and Parish of Coldingham, the Lords found that it is the parish of the residence of the parents which must determine as to the maintenance of the children, as well as of the parents themselves; and that the birth has no effect. Therefore two children, born in the Parish of Dunse, were found entitled to be maintained by Coldingham, because their mother, their father being dead, had her last three years' residence in the Parish of Coldingham. And the Sheriff of Berwick having found so, the Lords, in a suspension, found the letters orderly proceeded; but the Sheriff having also modified the aliment, the Lords suspended that part of the charge *in hoc statu*, and remitted to the Heritors and Kirk-Session of Coldingham to modify the aliment *in prima instantia*, as they should see just.

POOR'S ROLL.

1760. *August 6.* JOHNSTON *against* MAXWELL.

IN a process of oppression and damages at Poor Johnstone's instance, his wife and son, against Maxwell of Broomholme and other Justices of Dumfriesshire; before the pursuers were allowed a proof, Lord Kaimes ordained them to find caution for the defender's expense. This he did, from conviction that the process was vexatious; but the Lords, 6th August 1760, altered, and found the pursuers not obliged to find caution; and a proof without caution was allowed accordingly.