

SUMMARY APPLICATION.

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improper to interfere in the management of estates; and some of the Judges seemed to insinuate, that the Court had gone too far in the case of Home, quoted by the petitioner.

No. 23.

For the Petitioner, *Corbet.*

Agent, *Wm. Johnstone.*

Clerk, *Pringle.*

*Fac. Coll. No. 77. p. 173.*

1803. *March 3.*

PAUL, Petitioner.

A petition was presented to the Court in the name of Joseph Paul, an infant, apparent heir of the late James Paul, with concurrence of Isobel Purves, his mother, praying for the benefit of the poor's roll, in an action for a warrant to sell against the heir next in succession.

The whole funds of the family consisted of a small heritable subject, upon which there were debts to the amount of one-fourth of its value. But, by a sale some reversion of the price might remain for the education and maintenance of the family, which however would almost be exhausted, if the expenses of an action of sale were to be incurred.

When the petition was moved, doubts were suggested by the Court with respect to the propriety of granting the benefit of the poor's roll in an action of this nature, where the possession of heritable property seemed inconsistent with the notion that the petitioner was a pauper.

A note was thereafter presented to the Court, stating the urgency of the case, and the total inability of the family being supported without the aid of the poor's funds of the parish.

But the Court conceiving it to be a dangerous precedent to admit any one who was in possession of an heritable subject to the benefit of the poor's roll, refused the petition.

For petitioner, *Reddie.*

Agent, *Hay Donaldson, W. S.*

Clerk, *Menzies.*

*J.*

*Fac. Coll. No. 93. p. 207.*

1803. *December 22.*

GRAY, Petitioner.

William Gray at Tinwald Mains, (28th September, 1803,) agreed to sell 40 bullocks, at the price of £.630, to John Campbell in Barncrosh. The cattle were, (3d October,) delivered, and an obligation received to pay the price on demand. The cattle were sent to England.

A sequestration of his effects was granted, (October 10th, 1803.)

Gray insisted that the whole transaction might be set aside at common law on the head of fraud; but as it appeared improper to apply to the Judge-Ordinary to

No. 24.

Summary application for the benefit of the poor's roll, refused to a person possessed of an heritable subject.

No. 25.

A summary application by the seller, for the price of goods which had been delivered immediately before