

PETER  
v.  
TERROL.

about his business, unless he would do what he gave him to do.

If you are satisfied that he was turned off for refusing to do what he was not bound to do, and that he offered to return, then you may find for the suspenders.

“ Verdict for the suspenders on both  
“ Issues.”

*James Gordon*, for the Pursuer.

*Maidment*, for the Defender.

(Agents, *J. R. Skinner*, w. s. and *James M'Cook*, w. s.)

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ABERDEEN.

PRESENT,  
LORD PITMILLY.

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FRAZER v. MAITLAND.

1818.  
September 26.

Buildings on a  
farm found to  
have been erected  
by a tenant.

THIS case relates to the value of buildings erected on a farm.

ISSUES.

“ 1st, Whether the wings of the farm-house  
“ of Gateside were erected at the expence of  
“ the then landlord, Mr Leith, of Freefield?

“ 2d, Whether the offices on the said farm  
 “ were suitable to the said farm, in point of  
 “ size or extent ?”

FRAZER  
 v.  
 MAITLAND.



Mr Frazer, the landlord, failed to appear. Lord Pitmilly observed, that it would be necessary to prove the notice of trial; and that, as he wished rather to overdo than to omit any thing in so singular a situation, Mr Brown, Clerk of Court, was put on oath, and produced a letter from the pursuer's agent, stating that he did not mean to appear.

An affidavit was also produced, that the agent had got notice by proviso.

Four witnesses were then examined.

LORD PITMILLY.—As the pursuer has not appeared, the question is, whether the defender has proved his case. There is no law in the case. Much evidence could not be expected, as the buildings were erected 40 years ago; but one witness swore, that he was employed at the building; and another swore to his belief that the buildings were erected by the tenant. This is legal, and sufficient evidence in support of the direct testimony to a fact so remote.

FRAZER  
v.  
MAITLAND.

On the second Issue, there are two accurate and distinct witnesses.

“Verdict for the defender on both Issues.”

*Gordon*, for the Defender.

(Agents, *Arthur Campbell*, w. s. and *John Morrison*, w. s.)

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ABERDEEN.

PRESENT,

LORD PITMILLY.

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1818.  
September 28.

FORBES v. TAYLOR.

A tenant found to be one year's rent in arrear, and that caution was not given.

SUSPENSION of a charge on a precept of ejection, founded on the Act of Sederunt 1756.

ISSUES.

“Whether, at the time the chargers brought a summons of removing against the suspender in February 1817, the suspender was due the chargers a full year's rent of