

1696. *November 10.* ROBERT MELDRUM, Petitioner.

MR Robert Meldrum, Advocate, gives in a petition to the Lords, representing, that he was nearest kinsman to Colonel Meldrum, who had stocked in the Republic of Hamburg's hands all the money he had gained in the Danish service; and there were some remote friends in the North intending to serve heirs there, and confirm executors to him: which, if past, would not only afford the town of Hamburg a good pretence to retain all in their own hands, seeing a competition amongst heirs and executors; but would also prove a reflection on the honour and justice of the nation, to see contradictory retours, and all proceeding on the oaths of fifteen sworn men; and would lay a foundation to waste and consume the whole effects in pleas. Therefore he craved that the Lords might direct a warrant to the clerks of the Chancery to issue out no brieves till the supplicant be cited and acquainted; and the same orders to the Commissaries before they serve an edict.

The Lords considered, That brieves ordinarily passed on a general and edictal citation against all and sundry, without the citation of any particular person, in respect the parties interested were not known; but where application was made, and it appeared there were several parties concerned, it seemed very reasonable they should be cited; and the Lords had done so in the case of *M'Culloch against Morton*, recorded by Spotiswood, *tit. de Hæreditar. Action.* But before they would give any warrant to the Director of the Chancery and Commissaries, they ordained the bill to be intimated, that any concerned may answer the same if they please.

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1696. *November 17.* ELIZABETH OGILVIE *against* PETER REID, her Husband.

ELIZABETH Ogilvie gives in a bill against Mr Peter Reid, minister, her husband, complaining, that she intended to raise a reduction of her contract, wherein the said Mr Patrick had circumvened her; and she had not *personam standi in judicio* without her husband's concurrence; and he refused against himself; therefore craved one Forbes, her nephew, might be authorised as her *curator ad hanc litem*, to carry it on. Mr Patrick ALLEGED he was most unfit, being the great incendiary and promoter of the discord.

The Lords found they had not the nomination, but only to interpose their authority; therefore granted the desire of the bill. The Parliament of Paris, and other courts in France, sustain such processes at wives' instances, *etiam reluctante marito*, where he can give no just reason for refusing his concurrence.

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1696. *November 19.* JOHN CUMMING *against* FREDERICK HAMILTON.

PHESDO reported the debate in the count and reckoning between John Cum-