

Then the *second* question was, What should be the quota? and it appearing his estate was but small, not above 600 merks by year of free rent, incumbered with debts, and that he behoved to keep the children, they modified 250 merks yearly to her; though many of the Lords were only for 200. Some inquired what her matrimonial liferent provision was? But that not being present to show, they modified *ut supra*.
Vol. II. Page 435.

1708. *February 21.* WILLIAM MEL *against* CHARTERS' HEIRS.

WILLIAM Mel of Roan, merchant, and French refugee, apprehending he got injustice done him, in his process against Bailie Charles Charters' heirs, by preferring the other creditors to him, he protested for remeid of law, and appealed to the British Parliament. And one Thomas Taylor, notary, whom he brought alongst with him, refusing to give him forth his instrument thereon, he complains to the Lords, craving they may order him so to do, under certification, that he shall be deprived if he disobey; which desire the Lords granted.

I think if his instrument had been required from the clerk of Session, in whose hands he likewise took it, in justice he could not have refused him an extract thereof, though we do not yet know what will be the import of these protests.

Vol. II. Page 436.

1708. *February 24.* SIR ALEXANDER KENNEDY *against* SIR ALEXANDER CUMMING.

[See the numerous Reports of this Case pointed out in the Index to the Decisions.]

THE Lords having ordained Sir Alexander Cumming's decret of reduction of Sir Alexander Kennedy's right to the conservator's office to be extracted, Sir Andrew thereon appealed to the British Parliament. John Vere Kennedy, his son, as conjunct with his father, claiming his right, and Sir Alexander Cumming alleging he was never owned nor acknowledged as such, neither by the royal burghs nor the Estates of Zealand,—the Lords reserved his right and possession as accords.
Vol. II. Page 436.

1708. *February 24.* JAMES TRONS *against* The LAIRD of POURIE.

TRONS having been his tenant, and removing from his ground to the Laird of Guthrie's lands, and being in arrear of his rent, he takes a decret against him, and poinds first his corns, and then, on another day, his horse and cattle. Trons gives in a complaint to the Lords, That both the poindings were *spreto mandato*, being after a sist of execution obtained by him on a bill of suspension.

ALLEGED,—*Non relevat*, seeing the sist was not intimated to me till long after both the poindings, the sist being on the 6th January last, and the first poinding on the 7th, and the second on the 12th of the same month, and no intima-