

Then Cadboll craved the election of Tain at the next Michaelmas might be likewise stopped till the hearing should be. But the Lords refused to interpose.

This debate arose first on their choosing a Commissioner to send up to the Parliament of Britain. *Vol. II. Page 460.*

*July 31.*---Two more appeals were given in, viz. one for James Gray *against* the Duke of Hamilton and Earl of Selkirk, against the interlocutor pronounced *supra*, 22d July 1708, and the other was given in by Mr Æneas Macleod, in the cause mentioned, 30th current, betwixt him and Ross of Auchnachloich. But two exceptions were taken against it, viz. *1mo*, That he protested not only for himself and the burgh of Tain, but likewise in name of the royal burghs, from whom he showed no special mandate or commission. *2do*, That the article of the claim of right allows appeals only from sentences of the Lords; which, in propriety, signifies ultimate decisive sentences, and not interlocutors, as theirs, stopping the burghs' committee to proceed till the cause be heard in November.

But the Lords would signify no resentment against appeals, and therefore admitted it; and allowed their clerks to give out an instrument thereon; though some proposed it might only be done by the notary whom the party brought along with him. *Vol. II. Page 460.*

1708. *July 30.* WILLIAM GRAHAM *against* SIR WILLIAM SHARP.

SIR William Sharp being debtor in £400 sterling to James Foulis, factor in London, he empowers George Clerk to transact the debt; who makes a transaction with Sir William, and takes a right from him to an adjudication on the estate of Down, and gives Sir William a backbond, that, how soon he receives payment, by virtue of that adjudication, he should thereafter discharge Sir William's whole debt. William Graham, merchant in London, having purchased right to this debt from James Foulis; he charges Sir William on the first original bond; who *SUSPENDS*, on the transaction he had made with Clerk, factor for James Foulis; and craves the benefit of restriction.

*ANSWERED*,---Clerk had no power to give away his constituent's money; and the security was not in satisfaction, but only in corroboration.

The Lords sustained the backbond, and restricted the sum; and found Sir William Sharp no further liable.

Upon this interlocutor, William Graham gave in a protestation for remeid of law to the British Parliament. *Vol. II. Page 460.*

1708. *November 6.* JOHN HENDERSON of KIRKLANDHILL *against* ROBERT DEWAR.

ROBERT Dewar, vintner at Channelkirk, being imprisoned in Haddington tolbooth by John Henderson of Kirklandhill, for payment of 100 merks of yearly tack-duty, contained in a tack of some acres set to him, and of 300 merks in a bond granted by him to one Bell, and assigned to Kirlandhill; he gives