

1742. *November 3.*

CHRISTIE, Petitioner.

No 152.

THE COURT sustained their jurisdiction to appoint an interim Commissary-clerk.

Fol. Dic. v. 3. p. 348.

1744. *July 17.*

Mr ALEXANDER LYND of Gorgie, and Mr WALTER SANDILANDS, Petitioners.

No 153.

UPON a petition from Mr Alexander Lynd of Gorgie, and Mr Walter Sandilands, advocates, shewing, That the petitioners were appointed Deputy-Sheriffs of the county of Edinburgh, by commissions from the Earl of Lauderdale, Sheriff-principal of the said county, which commissions were now superseded by his Lordship's death, and, by means thereof, a stop is put to any farther procedure in such actions and causes as are intended and depending before that court; that, for preventing the inconveniencies that might arise to the lieges upon such emergencies, the Privy-Council of Scotland were in use, upon application made to them for that effect, to authorise and empower such persons as they thought proper to act during any vacancy; and particularly in the year 1703, upon application made to them on the death of the Marquis of Lothian, Sheriff-principal of the shire of Edinburgh, and Mr William Calderwood, and Mr Robert Forbes, advocates, the then Sheriff-deputes of the said county, the Lords of Privy-Council were pleased to authorise the said Sheriff-deputes to exercise that office till another Sheriff-principal was named by her late Majesty Queen Anne. That the said Lords had been in use to exercise this power formerly vested in the Privy-Council, in sundry similar cases, particularly upon the decease of — Dickson, Commissary of Lauder, the said Lords were pleased to appoint James Home, writer to the Signet, to officiate as Commissary, until the vacancy was supplied by the Crown. The petitioners, under the present circumstances, thought it their duty to represent to the said Lords, that there are several causes and actions presently depending before the Sheriff-court of Edinburgh, the delaying whereof might be highly detrimental to the lieges, and, on that account, humbly begged leave to petition the Lords, that they would be pleased to authorise them to go on in the exercise of their office till a new Sheriff-principal is named by his Majesty; and praying, therefore, it might please their Lordships to authorise and empower the petitioners to exercise the office of Sheriffs within the sheriffdom of Edinburgh, until his Majesty should think fit to nominate a Sheriff-principal, or to signify his pleasure thereanent. According to justice, &c. (Signed)

Upon the death of the Sheriff principal of a county, the Court authorised the deputes, who had been appointed by him, to exercise their office till a new Sheriff-principal should be appointed.

WALTER SANDILANDS.
ALEXANDER LYND.