

No. 28. 1753, Aug. 9. MR JOHN M'LEOD *against* THOMAS DUNDAS.

THOMAS DUNDAS sued Mr M'Leod to restore to him some colliers that had some years before been bound colliers at his coal, but had for three years served in M'Leod's coal-heugh; but during the dependence spirited away the colliers from him. Mr M'Leod preferred a complaint, and upon answers we ordered the colliers to be restored, because *nihil innovandum pendite lite*.

No. 29. 1754, Feb. 1. SINCLAIR of Rattar *against* SINCLAIR of Ulbster.

A PROOF of Rattar's propinquity to certain ancestors being allowed before answer, Woodhall marked that the proof was clear, but because it was before answer, sent it to the ordinary action roll. Rattar complained, because till it was advised, he could not enter to his lands, that being objected to bar him from quarrelling his superior Ulbster's splitting his superiority. Though the regulations 1695 make no exception of acts before answer, some of us thought that such proofs should not go to the summar-cause roll; however, in respect of the specialty of this case, we ordered it to be enrolled there.

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PROFESSOR OF LAW.

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No. 1. 1744, July 19. HAMILTON GORDON *against* CATANACH.

As this was a question upon the election of a Professor of Civil Law of the Old College of Aberdeen, and the case pretty curious, and the papers well written, for that reason chiefly I keep the papers. The majority found Catanach not capable of being elected, and found Mr Gordon capable, and therefore found him duly elected. My humble opinion was, that neither of them was capable upon their foundation, but that in the present situation of affairs both were capable, and therefore that Catanach was duly elected. 4th December, The Lords adhered. This was reversed in Parliament 1745.

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PROMISSORY-NOTE.

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No. 1. 1739, Feb. 2. FORBES *against* INNES.

THE question was, Whether a promissory-note is arrestable in prejudice of an onerous indorsee? The Lords found unanimously that it was, except the President.