

1736. July 14. ROBERTSON *against* POTTER.

No. 2.

STRANGERS pursuing here may be obliged to find caution not only *de expensis*, but also in any reconvention that may be brought against them ; but this refused where the ground of the stranger's process is instantly instructed, though a proof be allowed of the defence. (See DICT. No. 5. p. 4644.)

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1739. July 19. ROBERTSON *against* POTTER and HORN.

No. 3

STRANGERS—their factors pursuing here found liable in expenses, if the process be found vexatious, though no fault in the factors. *Vide* FACTOR. (See DICT. No. 4. p. 4643.)

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1745. June 11. WILLIAM WESTCOMB *against* REBECCA DODDS.

No. 4.

AN Englishman who had resided, and had a little office here sometime, but which he gave up and returned to reside in England, being pursued before the Commissaries in an adherence to a marriage alleged solemnized while he resided here, he offered advocacion because of incompetency ; but the Court considered it as *quæstio status* both of the wife and child of the marriage, but not as to aliment, or the other ordinary conclusions ; yet I believe we refused the advocacion. (See DICT. No. 14. p. 4793.)

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1749. June 8.

COUNT ANTONIUS LESLIE *against* GORDON of Cowbardie.

No. 5.

ALIEN by the law of Scotland cannot succeed to heritage in Scotland, and he was deemed an alien, he and his father being born in Germany, though his grandfather was a Scotsman ; found unanimously ; and a particular factory to uplift the rents and let the lands, whereof the right was quarrelled by the Count, found a sufficient title to make the objection ; but the substitute heirs in that right were thought to have no sufficient title. *Vide* Case of Captain Gordon of Park, *voce* TAILZIE. (See DICT. No. 2. p. 4636.)

See No. 3. and No. 21. *voce* EXECUTOR.

See NOTES.