

1746. *July 31.*

THOMAS OGILVIE of Coull *against* CAPTAIN CHARLES HAMILTON of
COBHAM'S Dragoons.

No. 37.

ON a complaint against a Captain in the army, one Hamilton, for his seizing and disposing of the complainer's tenants' cattle, furniture, &c. and turning them out of possession on pretence that these tenants had been in the Rebellion, the Lords ordered the complaint to be served on the Captain, and him to answer five days after service, and prohibited any further intromission in the meantime; and no answers being put in, they found him guilty of a contempt, and granted warrant to commit him to prison till he should find caution at the sight of the Sheriff to answer the complaint, and to pay what damages should be awarded.

1747. *July 21.*

COMMISSARIES of EDINBURGH *against* The COMMISSARIES of DUNKELD.

No. 38

THE parishes of Cramond, Aberlady, and Abercorn, found to be within the jurisdiction of the Commissaries of Edinburgh, and not in that of the Commissary of Dunkeld, though they were thought to be in the diocese of Dunkeld. (See DICT. No. 279. p. 7558.)

1747. *July 22.* JOHN BLAIR *against* HUGH BLAIR of Borgue.

No. 39.

MARRIAGE,—declarator of nullity thereof on the head of idiocy may be tried before the Commissaries of Edinburgh, and without any inquest or brieve of idiocy. (See DICT. No. 280. p. 7561.)

1747. *December 3.* MORISON of Craigleith *against* STEWARTS.

No. 40.

A DEBTOR to a minor (whose father and administrator-in-law was abroad) in L.1000 sterling, heritably secured, offered payment, and because he could not discharge, presented a suspension and offered to consign. The minor's friends at the same time found a proper debtor to borrow the money. The