

No. 18. 1746, July 30. **RUDDIMAN** *against* **TRADES MAIDEN HOSPITAL.**

See Note of No. 28, *voce* **PRESCRIPTION.**

No. 19. 1749, Jan. 10. **MARGARET, &c. NAIRN** *against* **CREDITORS OF NAIRN.**

AN heritable bond of L.10,000 being granted by Greenyards to his brother Robert, with a clause of return, pursuant to a settlement of their aunt the Lady of Drumkilbo, Robert before his death assigned 5000 merks of it to the daughters of his eldest brother, on the narrative of his brother's having been at the expense of his education at Leyden, and kept all his life after in his own family. Greenyards's creditors quarrelled this assignation, and Minto found that John could not gratuitously alter the return; but upon a reclaiming bill we allowed before answer a proof to astruct the onerous cause; and a proof being brought, the President thought the clause of return could hinder him to dispone gratuitously. Kilkerran differed, and looked on it as L. Tarsappie's settlement, and that it could not be altered gratuitously, but because of the proof it ought to be sustained;— and upon the vote it carried to sustain.

PRINCE OF SCOTLAND.

No. 1. 1751, Dec. 17. **SUCCESSION OF THE PRINCIPALITY.**

THIS conference between the Court of Session and the Barons of Exchequer, in order to ascertain whether the Principality at the death of Frederick Prince of Wales descended to his son, or reverted to the Crown, is stated in the notes nearly in the same words as in the text. The opinions of the Judges are in the notes mentioned a little differently thus: "The President was clear that it is in the Prince, and I incline to the same opinion, for reasons I have set down apart, and I believe Milton is of the same opinion, but Kilkerran clear against it, and the Barons seemed generally to lean to his opinion."

No. 2. 1750, June 9. **EARL OF LAUDERDALE, SUPPLICANT.**

HE had lands holding of the Prince locally in Mid-Lothian, but by annexation in the shire of Renfrew; and whereas he was wont to be infest on precepts from the Chancellary by the Sheriff of Renfrew, he prayed, by reason of the act abolishing jurisdictions, for warrant to the Director of the Chancellary to issue precepts to the Sheriff of Edinburgh. Many difficulties occurred; first, Whether the Prince can now have a Chapel and Chancery? 2dly, Whether the act anent annexed Sheriffships extends to the case of taking infestments, which is no point of jurisdiction? 3dly, By what rule the Chancery can issue

precepts for incfcting in the Prince's lands? We therefore declined to interpose, but found that the brieve for the service should be directed to the Sheriff of Edinburgh; and President thought that the precept should be by the Prince's Commissioners, and they might direct it to whom they pleased as any other superior.

PRISONER.

No. 1. 1733, Dec. 7. A. against B.

WHETHER on the act of grace the disposition should be general to all creditors or special to the incarcerator? carried, special, by the President's casting vote.

No. 2. 1734, July 18. HAY against THE JAILOR OF EDINBURGH.

THE Lords found that the jailor is obliged to aliment indigent prisoners in the same way as other creditors upon the act 1696.

* * * The cases referred to decided the same way are thus mentioned :

20th December 1734, (1735) Rattray against The Jailor of Edinburgh. The Lords found the Jailor bound to aliment or set at liberty in the same way as other creditors. This was again found 6th January 1736. The Lords repeated the same judgment 20th January 1736 in the case of William Stark against Jailor of Edinburgh, and 13th December 1737, John Hopkins *versus Eundem*.

No. 3. 1734, July 26. RATTRAY against THOMSON.

THE Lords refused aliment to Rattray.

No. 4. 1734, Nov. 15. M'INTOSH against PROVOST DAWSON.

I reported a bill of suspension and liberation for M'Intosh, then in the messenger's hands. The Lords were of opinion that in the eye of the law he was a prisoner as much as if in jail, and therefore would not pass the bill upon instant caution without being seen. But directed me to appoint it to be seen and answered, and to sist execution except imprisonment.

No. 5. 1736, June 25. DUFF of Cubbin against HIS CREDITORS.

THE Lords would not receive this *cessio bonorum* by report of the Ordinary till great avizandum were made, and that it came in by course of the Inner-House roll according to regulations 1672 Art. 5.