

*Answered*, That that could only be by process, and not by summary petition. *2do*, It could only be for the term of years for which they were entitled to their dish, which 31 years did much exceed.

*Replied*, No process is necessary, as the subject is in *manu curiæ*; and though the dish is for a shorter time, yet, in practice, and in the nature of the thing, a lease of mines cannot be got for a shorter period than 30 or 31 years.

But the LORDS still 'adhered,' though with regret, as the request appeared reasonable and advantageous for the creditors.

*Fol. Dic. v. 3. p. 348. Kilkerran, (JURISDICTION.) No 7. p. 319.*

1748. June 18. WIFE and CHILDREN of JOHN ANDERSON, Supplicants.

THE Wife and Children of John Anderson merchant in Greenock shewed a petition, that he had been in March last seized with a paralytick distemper, to such a height as to be entirely incapable of business; that there were arrived ships consigned to him from foreign parts, and others expected, and if these were not timeously discharged, he would be liable in demurrage, and his other affairs were of a nature to require an immediate course to be taken; and therefore praying the Lords would appoint a factor for managing them.

Certificates were produced by the minister and surgeon of the place.

THE LORDS appointed the factor suggested in the petition, upon his finding caution.

*Pet. Brown.*

*Fol. Dic. v. 3. p. 348. D. Falconer, v. 1. No 262. p. 355.*

1751. June 15. MR WILLIAM STEEL *against* SIR WILLIAM DALRYMPLE.

MR WILLIAM STEEL, Minister of Heriot, applied to the Presbytery for a designation of grass, and obtained it out of the ground belonging to Sir William Dalrymple; who suspended, for that the designation was exorbitant in quantity; and condescended on a piece of ground more proper for the purpose.

After a good deal of procedure, the LORDS remitted to two of their number to view the ground, and report; which they did, that the ground designed was insufficient and improper; and pitched on another piece of Sir William's ground, as proper.

THE LORDS approved of the report, and, without remitting to the Presbytery, decerned the ground to belong to the Minister.

*Act. D. Dalrymple.*

*Alt. Brown.*

*Fol. Dic. v. 3. p. 350. D. Falconer, v. 2. No. 209. p. 252.*

No 160.

No 161.

A factor was appointed to take care of the effects of a merchant rendered suddenly incapable of business by sickness.

No 162.

The Lords having advocated from a Presbytery, a process for designation of grass to a Minister, made the designation themselves.