

HAILES. The services are not prestable by the vassal in person; so are not personal. They are determined, not according to use and wont, so are not general. It follows that they are not taken away either by the statute of Geo. I. or by Geo. II. The minister here is defending the rights of his benefice; his own interest will not equal his expenses; therefore Lord March ought to pay costs.

On the 29th June 1773, the Lords repelled the defences, and found expenses due.

10th August 1773, adhered.

*Act.* G. Ogilvie. *Alt.* Ilay Campbell.

*Reporter,* Coalston.

1773. July 1. SIR JAMES COLQUHOUN *against* JAMES HAMILTON.

MEMBER OF PARLIAMENT.

[*Fac. Col. VI.* 194; *Dict.* 8743.]

HAILES. This seems the worst of all good votes.

KENNET. I think this is not a good vote. Here is not a wadset, for there is no *sors*.

PITFOUR. Wherever there is a wadset or pledge, there must be a debt. There cannot be an *accessorium* without a *principale*.

GARDENSTON. There are many easy ways of making votes; but this will not answer.

AUCHINLECK. We may safely say that this is not an usurious wadset.

On the 1st July 1773, the Lords altered their former interlocutor, and found Hamilton wrongfully enrolled, and therefore ordered him to be expunged.

*Act.* A. Lockhart. *Alt.* Ilay Campbell.

1773. July 8. JAMES NEIL *against* JOHN BROWN.

ARRESTMENT.

[*Faculty Collection, VI.* 155; *Dictionary, App. I. Arrest. No. 3.*]

PITFOUR. The practice of that sort of diligence called *filius ante patrem*, may be reasonable in maritime causes, but it is not in mercantile. The practice is erroneous, a slovenly imitation of what has been done in maritime causes; and cannot be supported.