

No 101.

THE COURT, in general, were of opinion, that, although bills of this kind ought not to be passed, except where very good and sufficient reasons are shown; yet, their powers of reviewing the sentences of the Commissioners, arising from their inherent and constitutional jurisdiction, were not excluded by this statute.

THE COURT 'passed the bill.'

Lord Ordinary, *Ankerville.* Act. *Crosbie.* Alt. *M'Laurin.* Clerk, \_\_\_\_\_  
*Fol. Dic. v. 3. p. 342. Fac. Col. No 81. p. 156.*

1780. *August 10. and 1781. June 22.*

COUPER, &c. *against* SIR JOHN OGILVY.

No 102.

IN a case where certain tradesmen in Montrose had been adjudged under the comprehending act, on account of their having been concerned in a mob; although the bill of suspension was at first refused, the COURT afterwards, upon due consideration, passed it, and ordered the complainers to be liberated, as having been unduly adjudged. See APPENDIX.

*Fol. Dic. v. 3. p. 342.*

1781. *July 3.* PATRICK HOME *against* ELIZABETH and JEAN WOOD.

No 103.

The Court found that they could not review a decree of exception, pronounced under authority of the act 5th Geo. I. chap. 22, relative to forfeitures.

UPON the attainder of George Home of Wedderburn for his accession to the rebellion 1715, Robert Wood, portioner of Whitsome, one of his vassals, applied to Exchequer, in terms of the 1st Geo. I. chap. 50, commonly called the Clan-act, and obtained a charter from the crown; which right was afterwards, 10th September 1719, confirmed by a decree of exception, in terms of the act 5th Geo. I. chap. 22.

Under this last statute, a claim to the whole estate of Wedderburn was likewise entered by Ninian Home, who, in virtue of certain adjudications, &c. subsisting in his person, previously to the forfeiture, was found, 16th September 1719, to have right to the property of the said lands and others mentioned in the exceptions. And it was also found, 'that the said George Home had no right or title to the said lands and others aforesaid, upon the 24th day of June 1715 years, (the retrospective date of the statute) nor at any time since; and that the public has no right nor title to the said lands and others, by the attainder of the said George Home.'

In the 1729, Ninian Home expedite a charter of the estate; and, a few years afterwards, disposed it to the heir of the family, who, in the 1746, called Wood and some others of the vassals in a process of reduction, declarator, and non-entry. This process, however, was never brought to a conclusion, till Mr