

RESOLUTIONS AND ORDERS

OF

THE HOUSE OF LORDS

IN

THE ROXBURGHE CAUSES.

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Competition of Brieves.

I.

“ *Die Martis, 20° Junii 1809.*

“ Moved, That according to the just and legal construction of  
“ the substitution of the deed 1648, to the eldest dochter of Hary  
“ Lord Ker, without division, and their heirs-male, the several  
“ daughters of Hary Lord Ker, in their order, and the heirs-male  
“ of their respective bodies begotten *seriatim*, were called as heirs  
“ of tailzie and provision, to take the estates conveyed by the said  
“ deed, in preference to the heir-male general of the eldest, or of  
“ any other of the said daughters; and, therefore, that Sir James  
“ Norcliffe Innes, so described in the Interlocutors of the Court of  
“ Session, in case he shall prove himself to be the heir-male of the  
“ body of Lady Margaret Ker, and that there are no heirs-male  
“ existing of the bodies of the Ladies Jane and Anna Ker, ac-  
“ cording to the usual course of proceeding in services, is to be  
“ preferred in the competition of brieves respecting the said  
“ estates; and that upon such proof made, the brieves purchased  
“ by Brigadier-General Ker ought to be dismissed.

“ Ordered by the Lords Spiritual and Temporal, in Parliament  
“ assembled, That the said motion be taken into consideration on  
“ the first cause-day in the next session of Parliament.

(Signed) “ GEORGE ROSE, *Cler. Parliament.*”

Reduction.

II.

“ *Die Martis, 20° Junii 1809.*”

“ Moved, That it is premature for this House to determine the  
 “ appeals in the action of reduction, complaining of the Interlo-  
 “ cutors which find, That the estates of Roxburghe were held by  
 “ the late William Duke of Roxburghe under an entail, which con-  
 “ tains an effectual prohibition against altering the order of suc-  
 “ cession, before the pursuers’ title and propinquity be esta-  
 “ blished.

“ Ordered by the Lords Spiritual and Temporal, in Parliament  
 “ assembled, That the said motion be taken into consideration on  
 “ the first cause-day in the next session of Parliament.

(Signed) “ GEORGE ROSE, *Cler. Parliament.*”

Order for Sir James Innes Ker’s Service to proceed.

III.

“ *Die Mercurii, 21° Junii 1809.*”

“ Ordered by the Lords Spiritual and Temporal, in Parliament  
 “ assembled, That the Lords of Council and Session do, notwith-  
 “ standing the pendency of the Appeals in this House, respecting  
 “ the Roxburghe Estates, if they shall so think fit, direct the  
 “ Macers to proceed, according to the Interlocutor dated the 7th,  
 “ and signed the 8th July 1807, (the said Interlocutor being under-  
 “ stood by this House to mean, that Sir James Norcliffe Innes, so  
 “ described in the Interlocutors of the Court of Session, is to be  
 “ preferred in the competition of Brieves, if he proves, according  
 “ to the usual course of proceedings in services, that he is the  
 “ heir-male of the body of Lady Margaret Ker, and that there are  
 “ no heirs-male of the bodies of Ladies Jean and Anna Ker  
 “ respectively;) but that such proceedings of the Macers, and all  
 “ acts, deeds, and proceedings, of whatever nature, to be made,  
 “ done, or executed, by any person or persons, or following there-  
 “ upon, shall be without prejudice to any person or right, in case,  
 “ upon determining the Appeals, or any of them, in any manner  
 “ relating to the Roxburghe estates, depending in this House, this

“ House should hereafter adjudge, that the said Sir James Nor-  
 “ cliffe Innes ought not to have been so preferred as aforesaid, or  
 “ shall, upon determining as aforesaid, or upon any application  
 “ made to this House, make any order, adjudication, or judgment,  
 “ contrary to, or inconsistent with the effect of such proceedings  
 “ of the Macers, or such other acts, deeds, or proceedings as  
 “ aforesaid, or any of them, in any respect; and that all costs,  
 “ charges, and expences attending, or to be occasioned by the  
 “ same, or in relation thereto, or in consequence thereof, or of any  
 “ of them, shall be paid as this House shall direct, and that the  
 “ consideration thereof shall be reserved.

(Signed) “ GEORGE ROSE, *Cler. Parliament.*”

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## IV.

“ *Die Mercurii, 21<sup>o</sup> Junii 1809.*

“ Ordered by the Lords Spiritual and Temporal, in Parliament  
 “ assembled, That this House proceed generally upon the several  
 “ Roxburghe Causes, on the first cause-day in the next Session of  
 “ Parliament.

(Signed) “ GEORGE ROSE, *Cler. Parliament.*”

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## Competition of Brieves.

## V.

20<sup>o</sup> Junii 1810.

Sir James Norcliffe Innes, Brigadier Walter Ker, and Bellenden  
 Ker, competing, “ Ordered and adjudged by the Lords Spiritual  
 “ and Temporal, in Parliament assembled, That so much of the  
 “ Interlocutors of the Lords of Session of 14th February 1806 as  
 “ contains an instruction to the Macers to find that John Bellenden  
 “ Ker, Henry Gawler, and John Seton Carr, esquires, had a title  
 “ to appear and be heard for their interests in their said services;  
 “ and that so much of the Interlocutor of the Court of Macers of  
 “ 17th February 1806 as finds in conformity to the said instruction,  
 “ be affirmed. And it is declared, that according to the just and  
 “ legal construction of the substitution of the deed 1648 to the  
 “ eldest daughter of Hary Lord Ker without division, and their heirs-

“ male, the several daughters of Hary Lord Ker in their order,  
 “ and the heirs-male of their respective bodies begotten *seriatim*,  
 “ were called as heirs of tailzie and provision to take the estates  
 “ conveyed by the said deed, in preference to the heir-male general  
 “ of the eldest or of any other of the said daughters. And it is  
 “ further ordered, that the said Interlocutors of the Lords of  
 “ Session of 6th, signed 10th March 1807, and 7th, signed 8th July  
 “ 1807, the latter Interlocutor explaining the former of 6th March,  
 “ and being understood by this House to mean that the said Sir  
 “ James Innes Ker is to be preferred in the competition of brieves,  
 “ if he proves, according to the usual course of proceedings in  
 “ services, that he is the heir-male of the body of Lady Margaret  
 “ Ker, and that there are no heirs-male of the body of Ladies Jean  
 “ and Anna Ker respectively, be affirmed; and that the Interlocutors  
 “ of the Lord Ordinary on the bills of 27th February 1807 be also  
 “ affirmed. And it is further ordered, that the said original and  
 “ cross appeal be dismissed this House.

(Signed) “ GEORGE ROSE, *Cler. Parliament*.”

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Reduction.

VI.

8<sup>o</sup> *Junii* 1811.

Ordered and adjudged by the Lords Spiritual and Temporal, in Parliament assembled, That the appeal be dismissed, and the interlocutor complained of affirmed.

(Signed) “ GEORGE ROSE, *Cler. Parliament*.”

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