

1685. *March 31.* The EARL of LAUDERDALE *against* The CREDITORS of the EARL of DUNDEE.

——— SCRIMZEOR, Lady Fintry, as sister and one of the two heirs-portioners and of line to the Earl of Dundee, gives in a bill against Lauderdale, craving the extract of her decret of exhibition *ad deliberandum*, because he had not compeared to depone and produce for inspection, because he thought he could not exclude her interest.

The Lords ordained the decret to go forth, if he did not exhibit upon oath, for inspection, betwixt and the 10th of April. Any small production (he deponeing that he had not yet fully searched all the Earl of Dundee's papers,) will stop this decret. *Vol. I. Page 360.*

See the subsequent parts of the report of this case, Dictionary, pp. 6487 and 6490.

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1685. *November 7.* ——— *against* LORD MARSHALL.

A WADSETTER of my Lord Marshall's adjudging for his sum, and the Earl offering to give him particular lands and a progress; the Lords refused to restrict the wadsetter to such a special adjudication of particular lands only, because the Earl did not purge the incumbrances condescended on, affecting the lands offered, as the 19th Act of Parliament, 1672, provides.

It was *queried*, Where one adjudges a debtor's lands on his own bond, if the bond ought to be registrate, or a charge of horning to be given, prior to the summons. Some writers thought, if it was an heritable bond secluding executors, or bearing a destination of infeftment, it ought at least to be registrate, because comprisings (in whose place adjudications are now surrogated) required it. But adjudications have their own particular form (*quæ dat esse rei*,) prescribed by the said 19th Act of Parliament 1672. *Vol. I. Page 372.*

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1685. *November 10.* ANDREW ATCHISON *against* WILLIAM LAING.

ANDREW Atchison, writer to the Signet, pursues William Laing, on this ground, That Andrew had subscribed many letters and suspensions for him, and so he ought to pay him eighteen shillings Scots for each sheet, conform to the regulations 1672. ALLEGED,—That the clients and the employment were William Laing's own, and that he only borrowed Mr Atchison's name, because he was a free admitted writer; and that it was ordinary between masters and their prentices to take only 10 shillings for the sheet, they being at no trouble but only their subscriptions.

The Lords, in regard it was attested by some writers to be their ordinary practice so to divide it, and that it was William Laing's own employment, and