1708. *February* 27. SIR WILLIAM GORDON and DAME MARY CAMPBELL *against* LORD CESNOCK and his LADY.

SIR William Gordon, brother to Earlston, and Dame Mary Campbell, Cesnock's eldest daughter, his lady, protest for remeid of law against an interlocutor preferring my Lord Cesnock and his lady, who was Cesnock's second daughter, to the sum of £400 sterling he had subscribed for in the African company's books, and Mr William Hall, their assignee.

Colonel Gordon's lady had a special assignation to it from Sir George Campbell of Cesnock, her father, with a quality, That either he or his lady might dispose on it otherwise. He, afterwards, by a disposition, revokes the power given to his lady, and dispones all his effects in general, without specifying this African money, to the Lady Cesnock, his second daughter: and, upon some transactions betwixt the two husbands, Colonel Gordon discharges all he can ask or crave any manner of way: So the Lords found his Lady's right to the said equivalent money revoked. Against which interlocutor he appealed.

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1708. *February* 28. SIR HUGH CAMPBELL of CALDER *against* The CREDITORS of HAY of PARK.

SIR Hugh Campbell of Calder being creditor to Hay of Park, and having had considerable intromissions with his estate, and being convened, for count and reckoning, by Jerviswood, Kemnay, Whitsled, and the other creditors: and the Lords having refused to allow him the expenses of his infeftment of relief, as no real burden on the lands, and found him liable to count for the rental, though he pretended the other creditors had a promiscuous intromission, &c.: and having this day refused his reclaiming bill, Sir David Forbes having offered a protest for remeid of law in Sir Hugh's name,---the Lords asked him if he had a special mandate for that effect; and he replying that he was his ordinary advocate, and had letters from him in general, authorising him to manage his law affairs, as if he were present, but no special warrant to appeal:---the Lords rejected his protestation, and likewise gave him a reprimand, and called in the Dean of Faculty and Advocates, and advised them to be more cautious and wary in time coming. *Vol. II. Page* 438.

1708. *February* 28. The EARL of ROSEBERRY *against* SIR JOHN INGLIS of CRAMOND.

THE Earl of Roseberry having given in a bill, showing, He had obtained a warrant from the House of Peers in England to cite Sir John Inglis of Cramond, to give in his answers on the appeal against him anent his fishing in that water,