

their father. 2. George and his sisters are all conjoined in one sentence of substitution, without any other distinction except that of male and female.

The Lords found, that Robert and Samuel Muirheads, two of the substitutes in the bond, having died before James Muirhead, the father, who was fiar; the sums contained in the said bond fell to George Muirhead, the surviving son, and his three sisters equally and proportionally; and that the pursuer, one of these sisters, had right to an equal fourth part thereof.

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1709. *January 26.*

[ANENT the ADVOCATES for the POOR.]

The Lords ordained the advocates for the poor to be named yearly, in November, for the subsequent year; and those named to continue till others be put in their place: and any advocate who begins with a poor cause, to continue therein *usque ad sententiam*, or till it be brought to a conclusion.

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1709. *Feb. 11.* The GOVERNOR and COURT OF DIRECTORS of the BANK OF SCOTLAND, *against* the COMMISSIONERS of the EQUIVALENT.

THE Directors of the Bank having, at the desire of the Privy Council, undertaken the re-coinage of all the current coin of Scotland, upon the conditions specified in an act of Privy Council; they received in the old species from all inbringers, for which they paid current coin; and gave in the said old species to the mint. As this was melted down and essayed in presence of the three Commissioners and Essaymaster, appointed for that end, the Bank was to receive a certificate for the loss in recoinage, upon the Commissioners of Equivalent, to be paid on demand, and the Master of the Mint's bond for the rest, payable in weight and tale, in the terms of the Act of Parliament, 1686. There happened in the coining sometimes an excesse on the tale of five or six shillings, or thereby, in one hundred pounds, over and above the sum contained in the Master of the Mint's bond; through its not being possible to keep every piece of money to its due proportion of weight.

The Commissioners of the equivalent being charged by the bank to make payment to them of L527 7s. 10d. Sterling, as the difference upon the recoinage of the Scots and foreign money, with one half per cent. making in all L539 9s. 2d. contained in a certificate under the hands of the commissioners appointed by the Privy Council, for receiving in the old money: the Commissioners of the Equivalent suspended upon this reason, That the bank was debtor to them in a sum exceeding the charge, by the excesse of the specie after recoinage.

Answered for the DIRECTORS OF THE BANK,—The suspenders have no right to this excescence; nor cannot, upon account thereof, pretend retention or com-