

instances ; as a commission in the case of the Viscount of Oxenford and Mr John Cockburn was executed and reported by returning the subscriptions of deponents, judges, and clerk from Rome, Leghorn, &c. In the case of one Hay, the Lords did not sustain notorial extracts from the Senate of Hamburg as probative here, though they made faith with them there about the year 1682. A commission from the commissaries of Edinburgh, in the case of William Gordon and his wife, to John Steenlack burgomaster of Rotterdam, and others, 1698, for proving the libel of adultery against her, was duly executed and reported by the subscriptions of the deponent, judges, and clerk, *anno 1704*. A commission, in the case of Van Rixel, merchant in Harlem, and David Cleland, merchant in Edinburgh, to Jacob Van Cralingen and John Drummond, merchants in Amsterdam, was duly executed and reported by the subscriptions of parties, judge, and clerk, together with the seal of the city of Amsterdam.

Duplied for Sir Alexander ; The instances adduced by Sir Andrew, of commissions otherwise reported than Sir Alexander's, are not to the purpose ; for these commissions were all directed to private merchants, and not to the Magistrates of the place : Nor is there any instance of a commission reported from Campvere, where Sir Alexander's commission was executed ; and the custom of other cities is no rule to them.

THE LORDS repelled the objection, and sustained the report.

Forbes, p. 152.

SECT. III.

Extracts.

1627. *March 2.*

LAMINGTON *against* KINCAID.

EXTRACT of a bond made in Bourdeaux, subscribed only by the Tabellion, which bears, that a party subscribed a bond insert in his register, is sustained by the Lords to furnish action, because it was known to the Lords that it was the custom of that part to make the bond after that form ;—and because the bond bore damage and interest, the LORDS modified and restricted the interest and damage to the annualrent of 10 for each hundred, so long as the principal sum was unpaid.

Fol. Dic. v. 1. p. 317. Auchinleck, MS. p. 15.