

No. 27. ment. *2do*, They found that the act 1703 did not communicate to them the powers given the Council by the act 1672, nor any other powers, except that of transportation of transgressors under the degree of heritors; and of consequence they found the clause and trial within six months extended only to that single case. They also found that this crime was not proveable by oath of party, notwithstanding the clause, to be proven *pro ut de jure*. They adhered to that part of the interlocutor, finding the trial was limited to six months only with respect to the superadded penalties of transportation; but altered the other part with respect to oath of party, and found that it might be so proven. On a second petition they adhered. (See DICT. No. 70. p. 7335.)

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No. 28. 1744. *February 11.* COMMISSARY CLERKS *against* PRINGLE.

COMMISSARIES are competent to incident reductions or defences against testaments, on the head of incapacity alleged incidenter in the process of confirmation. Advocation refused, though the nearest of kin had already raised a reduction before this Court. (November 29th 1743, Justice-Clerk Reporter from the bills. And the testament being upon proof sustained by the Commissaries, the executor insisted to be assoilzied from the reduction in this Court, and craved warrant to transmit the proof; which the Commissary-clerk opposed, unless he would extract, though he had extracted his confirmation;—but we granted the warrant.

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No. 29. 1744. *July 8.* PROFESSOR CRAIGIE *against* PROFESSORS of NEW COLLEGE of ST. ANDREWS.

THE Lords found that they had no jurisdiction to give a Professor in an University an equal salary with the other Professors, or more than he was in possession of or was entitled to by the foundation, or by some Royal visitation, even supposing the revenues of the College could bear it.

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No. 30. 1744. *July 17.* SHERIFFS-DEPUTE of EDINBURGH, *Supplicants.*

ON the death of the Earl of Lauderdale, Sheriff-Principal of Edinburgh, the Lords, on a petition of his deputies, authorized them to continue in their offices till another Sheriff was named. (See DICT. No. 153. p. 7433.)