

which he expressed a vehement admiration and esteem : This raised a laugh in the audience.]

PRESIDENT. The Act of Parliament did not mean to make any alteration in the law.

On the 18th December 1778, "The Lords refused the bill of advocation, on the merits."

*Act.* Ilay Campbell. *Alt.* J. Monro.

*Reporter,* Stonefield : unanimous, with the exception of Lord Covington.

1779. January 12. JOHN M'FARLANE *against* GEORGE BUCHANAN.

EXHIBITION *AD DELIBERANDUM*.

In an exhibition *ad deliberandum*, a charter of adjudication and infestment, in favour of the defender in possession, not sufficient to bar the pursuer from insisting for exhibition of the grounds of the charter.

[*Fac. Coll.*, VIII. 89; *Dict.*, 3991.]

HAILES. It is a singular thing to bring an action *ad deliberandum*, at the distance of 47 years from the death of the former proprietor : I do not see why the common course of a trust-bond and an adjudication in implement has been departed from.

KAIMES. There is no declarator of expiry of the legal : the security is not rendered *property* by the lapse of the ten years.

COVINGTON. The predecessor who died in the right, has never been denuded. Here there is nothing sufficient in law to bar the exhibition *ad deliberandum* : though it must be confessed that the action comes uncommonly late.

On the 12th January 1779, "The Lords ordained George Buchanan to produce the adjudication in his person, with the *grounds* thereof, and conveyances thereto ;" adhering to Lord Justice-Clerk's interlocutor.

*Act.* W. Baillie. *Alt.* Ilay Campbell.

1779. January 13. JAMES PASLEY *against* THOMAS RATTRAY.

MANDATE.

Action of Relief denied to a mandatory who had furnished goods on an open account, without taking a bill, as stipulated in the mandate, to furnish them.

[*Faculty Collection*, VIII. 91 ; *Dictionary*, 8228.]

COVINGTON. It is the same thing whether a bill was taken or not : *that* was for the security of the person who advanced the money.