

Gordon, second son of Sir Robert Gordon of Gordonston, was creditor to William Taylor, writer in Edinburgh, against whom he obtained decret of adjudication. Taylor reclaimed to the Lords; but his petition, 9th March 1776, was refused. Thereupon, the decret of adjudication being extracted, Taylor appealed. The question was, Did the appeal stop recording the abbreviate? My answer was, *not*. The abbreviate was no execution; and as the Lords had found, in the case of *Dr Heron* against *Heron*, that, even after an appeal, inhibition might be raised on the dependance, being only a diligence in security, not for execution, the same applied here. The Ordinary on the Bills, Lord Covington, refused a suspension.

1774. *January 19.* MAGISTRATES of RUGLEN *against* CULLEN.

IN the cause, Magistrates of Ruglen against Cullen, Lord President said, that where a party reclaims, and then appeals, without waiting the fate of his reclaiming petition, the House of Peers will dismiss the appeal as premature.

Again, If a party appeal, and then reclaim, his reclaiming petition is considered as a waver of the appeal; and has been so found by the House of Lords.

In this case, after pronouncing an Inner-House interlocutor, Cullen reclaimed; but the other party appealed. On the appeal the decree was affirmed, 30th November 1773. This rendered it impossible for the Lords, on advising the reclaiming petition, to make any alteration; more especially as Cullen, in his case before the House of Peers, had expressed an acquiescence in the decree, and a hope that it should be affirmed. On a reclaiming petition and answers, the Lords adhered.

N.B.—The error lay in this, That Cullen should have brought a cross appeal.

APPROBATE AND REPROBATE.

1776. *July 20.* JOHN DONALDSON, Bookseller, *against* THOMSON.

THE decision, 10th June 1748, Sir David Cunningham against Whitefords, is a decision not approved of; it was appealed from. But, before pleading the appeal in the House of Lords, it was compromised by payment of a large sum of money; and Hardwicke, chancellor, said it was compromised wisely. This day, 20th July 1776, in the case of John Donaldson, bookseller, against Thom-