

tutors and curators nominate to find caution, or removing them as suspect. Accordingly, upon a complaint of this nature, given in by Mary and Janet Witherspoons, their husbands and children, interested in the settlement of their brother, James Witherspoon, who had named tutors and curators to their said children, the Lords, December 4th 1774, removed the said tutors and curators as suspect, and discharged them from further administration of the pupils' affairs.

A *pactum de quota litis* reduced on a summary application, *Mackenzie* against *George Forbes, writer*.—See Books of Sederunt, July 23d 1774.

1776. December 4. EARL OF LAUDERDALE, Petitioner.

JOHN Cross, one of the keepers of the laigh Parliament-house, was also doer for the late Earl of Lauderdale; and some of the Earl's papers having been found in that house, belonging to no register, but most of them principals, apparently deposited there by Mr Cross for preservation from fire, the present Earl applied to the keepers to have them up, on an inventory and receipt. They demurred. Whereupon he presented a summary petition to the Court for a warrant of delivery. The Lords thought this a dangerous precedent, to take papers even out of a register house in this summary manner; they did not know what might be under it, or what claims Mr Cross's representatives might have upon them by way of hypothec; and though, on presenting the petition, they ordained the same to be intimated to Mr Cross's representatives, yet, on recollection, December 4th 1776, they found the application irregular, reserving to the Earl to bring an exhibition for recovering them against all concerned.

1776. December 18. GILKIE against FARQUHARSON.

GILKIE gave in a complaint, setting forth that Farquharson, writer, having obtained a suspension and liberation against him, at the instance of his client, MacDonald, the same had been executed against him by a messenger, at Farquharson's instigation, while the suspension lay in the signet, being hypothecated for payment of the signet dues. But he craved only service against Farquharson, and not against the messenger. The Lords thought he had mistaken his party, and that he ought to have craved service against the messenger: "In respect therefore, that he had not done so, they refused to grant warrant for service."

Had he done so, they would have granted warrant for serving it against both.

1777. February 27. PETER HAY of LEYES against WILLIAM TAYLOR.

WILLIAM Taylor, writer in Edinburgh, had been doer for Peter Hay of Leyes;