

1798.

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 GILCHRIST  
 v.  
 MACADAM, &c.

MRS. ANN GILCHRIST, - -

*Appellant ;*

JOHN LOUDON MACADAM, & Another, Trustees of the deceased Honourable ADMIRAL KEITH STEWART, and ROBERT WATSON, Writer in Edinburgh, Common Agent in the process of Ranking and Sale of the estates of the EARL OF DUNDONALD,

*Respondents.*

House of Lords, 5th March 1798.

This was an appeal brought by a postponed creditor on the ranking and sale of the estate of the Earl of Dundonald, complaining of the interlocutors of the Lords of Session in fixing the value at which the estates were to be set up and exposed to public sale, precisely on the same grounds as in the appeal brought by the Earl of Dundonald himself. Vide ante, p. 528, Vol. III,

Three other appeals were brought by other creditors in similar circumstances.\*

Whereupon the respondents presented a petition to the House of Lords, praying that the order on the appeal of Ann Gilchrist might be dismissed. Upon which

“ The LORD CHANCELLOR said :—

“ That this was the fifth appeal which had come before the House, on the subject of the sale of certain estates belonging to the Earl of Dundonald. The House had affirmed the interlocutors in the first of these, with £50 costs, and had ordered the sale to proceed ; but, to defeat the judgment in that appeal, the four others have made their appearance, for the sole purpose of delay ; a proceeding highly improper, and which called for the interference of the House, to prevent similar practices in future.

“ From the respectability of the names of the counsel who signed Mrs. Gilchrist’s petition, I forbear to say much on the subject of the present appeal. I imagine they were some how or other employed by the appellant in the Court below. But, if appeals of such a nature were repeated, (and he hoped that this would be conveyed to the counsel who signed the appeal), that the House would proceed against the counsel whose names appear at appeals, in the same manner as the courts of this country do against counsel and others who sign or give countenance to frivolous and vexatious suits and actions.”

The appeal was dismissed accordingly.

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\* The Compiler has not been able to find the appeal papers in these cases, in any collection he has examined.