

again. And the Lords signed Mr Hamilton's commission; and he gave in a bond, with a cautioner, for his faithful counting; and gave his oath that he should exact no more but the dues allowed by the act. And, in regard it would be too burdensome for him to discharge it all in his own person, they permitted him to make use of servants under him, they being such for whom he would be answerable.

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1695. *November 8.* The MARQUIS of MONTROSE choosing CURATORS.

THE Marquis of Montrose compearing to choose his Curators *in præsentia*, the Lords, by the fault of their Macers, suffering the Lady Marchioness, his mother, and many with her, to enter within the inner bar, were necessitated to desire her to remove; and then caused signify it was the privilege of none to stand within but Dukes and Duchesses;—which my Lady obeyed. And the nomination being of his mother, William Hay of Drumelzier, Sir William Bruce, Graham of Urchill, &c. the Lords thought she, being clad with a husband, could no more be a curator than a minor could be, not having a person in law; though it was ALLEGED the Lady Wemyss, while married, was her son's curator (but that was not done before the Lords;) whereon the rest there present were sworn *de fidei*; and my Lady's nomination was forborne till it were better considered. Some ALLEGED curators were not obliged to swear but only in the presence of a judge, to sign the act of curatory. Then, a guinea being thrown in of instrument-money, the question arose, If the Clerks (who were so recently sworn to take nothing but their 4000 merks of salary, and that only from their Collector,) might meddle with it. Some affirmed, it being *qua* notary, they might. But these distinctions tending to evacuate the act, the Lords ordained it to be given in to the Collector; else clients, resolving to gratify the clerks, might take instruments on the pronouncing of every interlocutor or decret, and cast in two or three guineas, and so *fraudem legi facere* if this subterfuge were once permitted. And thus new laws and customs occasion many doubts.

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1695. *November.*—THE Lords called in the Dean of Faculty (Mr Hew Dalrymple,) and the Advocates, and caused read, in their presence, the articles of the new regulations relating to them; which are neither so strict as the former, in 1672, nor the present ones against the Clerks. Each have their turn. The old ones were mainly levelled against the Advocates, and the new against the Clerks. And the Lords intimated to the Advocates that they were to be careful to observe them in every point.

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1695. *November 12.* MARGARET MURRAY *against* ROBERT BURNET.

IN the reduction pursued by poor Margaret Murray, against Commissary Ro-