

The Lords, before sentence, recommended to the Lord Drumcairn to consider the account now produced, which is alleged to be Robert Collison's hand-writ, and to compare the same with the other account that is stated by him and Magnus Prince, whereon the decret proceeded; and if he find there is any contradiction or disconformity betwixt them, that he examine him upon the ground of the alteration.

*Vol. I. Page 463.*

---

1687. *July 5.* JOHN RICHARDSON and ALEXANDER CRAWFURD *against* The FACULTY OF ADVOCATES.

MR John Richardson, and Mr Alexander Crawford, advocates, who had entered by bills, declining to pay their whole 1000 merks, the Faculty ordered their gowns to be sequestrated, and they to be debarred, and kept out. Whereupon they complained to the Lords, who so far countenanced them, as to ordain their gowns to be restored, seeing that would break their employments; and seeing they had given bond, the Lords allowed to proceed *viâ ordinariâ* against them by horning: and being charged, they gave in bills of suspension, which were debated and determined on the 12th of July. Their reasons were:—they ought to be exemed, *1mo*, Because several in their circumstances had been dispensed with. *2do*, That it was contrary to the nature of a liberal science, *prætio nummario dehonestari*, and was only for mechanics; and that the Act of Sederunt in 1679, in *Nairn of Greenyard's case*, favoured them. ANSWERED,—Any dispensations given, were for such as entered prior to the Act of Sederunt 1684, which abrogated that in 1679.

The President inclined there should be no difference in the sum for the manner of entry. But it was carried against him, and the letters were found orderly proceeded; so they made payment of their other moiety of 500 merks.

*Vol. I. Page 463.*

---

1686 and 1687. SIR THOMAS NICOLSON of TULLICOULTRY *against* The LAIRD of CARNOCK'S HEIRS.

1686. *September 3.*—THE Lord Napier (who was also Laird of Carnock,) dying in France, his maternal estate of Napier went to his aunt Madam Birsbane; but his father's fortune (which was the best,) fell in debate, between Sir William Nicolson of Tillicoultry, as heir-male and of tailyie, and the three daughters of Sir Thomas Nicolson, as heirs of line, married to Greenock, Mochrum, and Bancruff; who raising brieves to serve, a bill of advocation thereof was presented by Tillicoultry, as served heir-male in general, and having a declarator of his right depending, which was *actio præjudicialis; et, lite pendente, nihil est innovandum*. ANSWERED,—*1mo*, The design of his declarator was, that they, as lineal heirs, should enter and denude; which they could