

No 8.

quarter of the Town, to meet with the stent masters, who shall be appointed by the Magistrates at their taking of the survey, and valuation of the whole tenements within the burgh and suburbs, and of the trade of the burgers which is in use to be stented, and to bear a part of the burden of the cess, and to be present at all their meetings for imposing of the stent, and to see that the valuation be justly and equally made, and the stent laid on accordingly. And, for that effect, appoint the Magistrates to make intimation of the time of the master's meeting, to the Lord President of the Session, the Dean of Faculty, and Keeper of the signet, ten days of before in time of Session, and twenty days in time of vacance; and appoint this method of stenting to begin and take effect for that term of his Majesty's supply, due and payable at Martinmas next 1687 years; but prejudice to the Town of Edinburgh, to use execution for that term's supply, which was payable at Martinmas last 1686 years, and the Whitsunday term now ensuing, according to the stent already imposed for these two terms: And the LORDS do declare, the persons following to be members of the College of Justice, who are to enjoy the privileges above mentioned; viz. the Lords of Session; Advocates; Clerks of Session; the Clerks of the Bills; the Writers to the Signet; the Deputes of the Clerks of Session, who serve in the outer-house, and three substitutes for registrations, being one in each clerk's office; the three Deputes of the clerks of the bills; the Clerks of Exchequer; the Directors of the Chancellory; their depute, and two clerks thereof; the Writer to the privy seal, and his depute; the Clerks of the General Register of seasings and hornings; the macers of the session; the keeper of the minute book; the keeper of the rolls of inner and outer houses. And the LORDS do extend the privileges foresaid to the persons following, viz. one actual servant of each Lord of the Session; one servant of each advocate; four extractors in each of the three clerks' offices of the session; two servants employed by the clerk of register in keeping the public registers; the keeper of the Session house; and the keeper of the advocates' library. It is always hereby declared, that if any of these servants, and others, to whom the foresaid privileges are extended, shall keep merchants' shops, taverns, or ale houses, or exercise any other trade within the burgh, they shall not enjoy any of the privileges above mentioned. And ordain this act to be printed and recorded in the books of sederunt.

Fol. Dic. v. 1. p. 150. Sir Patriak Home, v. 2. No 898.

1687. July 16.

JOHN FAIRHOLM and his CURATORS *against* MR JAMES DAES Advocate.

No 9.
An advocate
had received
papers, not
qua advocate,
but *tanquam*

JOHN FAIRHOLM and his Curators gave in a petition against Mr James Daes Advocate, craving he may exhibit some papers necessary in a progress, whereunto he had right on Sir Alexander Home's estate.—*Answered, imo, You show*

no right to them; *2do*, I got them not *qua* Advocate, but *tanquam quilibet* from Mr Alexander Spottiswood, and so must be pursued by a summons *via ordinaria*.

—THE LORDS refused to cause him depone summarily *hoc ordine*, though a member of the Court. But Fairholm was only seeking a judicial transumpt of them.

Fol. Dic. v. 1. p. 152. Fountainball, v. 1. p. 467.

1695. December 3.

WILLIAM MORISON of Prestongrange against Mr ROBERT BENNET Advocate; and JOHN INGLIS Writer to the Signet, and Others.

WILLIAM MORISON of Prestongrange represented by petition, that he being nearest of kin to the Lady Dirleton his sister, finds that her cabinets, during the time of her sickness, have been broke open, and her papers abstracted; and he has reason to suspect Mr Robert Bennet advocate, John Inglis writer to the signet, and others; and therefore craved they may be examined summarily, as being members of the College of Justice. Some thought this being so unwarrantable an act, the Lords ought to enquire therein, especially if done by any of their members: Others considered the petitioner had as yet no title in his person, not so much as a decreet-dative with a licence, and that this malversation charged on them was not committed by them in their office and trust as members of the College of Justice, but wholly extrinsic thereto, and being defamatory as accessory to theft; therefore they refused to take it *in hoc ordine*, but left him to his ordinary course by exhibition.

On the same occasion, the Lady Harden likewise gave in a bill, *alleging* many of her father Dirleton's papers were beside his relict, and in her custody at the time of her death; therefore craving she might be allowed either to be present, or to have one for her, at the opening and inspecting the cabinets, and to have an inventory of the writs.—THE LORDS thought, if this were allowed, there should never any person die, but relations or others, on pretended interests, would always crave to be present at the viewing and inventorying their papers, which might be a dangerous preparative, and propale men's charter chests; therefore they refused this bill. There is a late act of Sederunt, 23d February 1692, anent inspecting writs, where people are *moribundi*, to see if there be a testament; but that mainly concerned minors, and was made on occasion of the malversations used in the tutory of Ker of Moriston.

Fol. Dic. v. 1. p. 152. Fountainball, v. 1. p. 682.

No 9.

quibet.
Found incompetent to demand exhibition summarily.

No 10.

An advocate and writer were accused of abstracting the papers of a defunct. Found, that for such an accusation they could be prosecuted only *tanquam quilibet*.