

No. 12. 1736. *December 2.* EVELEIGH *against* SIR JOHN BRUCE.

THE King in Council having reversed a decret of condemnation of a ship and cargo by the Admiralty in Bermudas, and ordered restitution or their values, the said values to be ascertained by the Court of Admiralty of Bermudas, and that the appellant be at liberty to surcharge the value mentioned in the apprizement taken by order of that Court;—in a process at the owner's instance against Sir John Bruce, who was Governor of Bermudas, the Lords found it not competent for them to take proof of the value of ship and cargo, or upon the surcharge of the value mentioned in the apprizement taken by order of the Court of Admiralty of Bermudas, so far as it is not already determined by the said Court, in obedience to the order by the King in Council.

No. 13. 1737. *June 21.* MELDRUM *against* GIBB.

THE Lords thought they could not prescribe a scheme of labouring to a tenant.

No. 14. 1737. *July 10.* MR DUNCAN FORBES of Culloden, *Præses Designatus.*

THE President at his admission must undergo the same form of trial as the other ordinary Lords. \*

No. 15. 1737. *November 29.*  
ALEXANDER ROSS *against* SIR HUGH HAMILTON, *alias* DALRYMPLE of Bargeny.

A PROMISSORY-NOTE bearing to be granted by a Scotsman while in France to a French woman (while in the hands of her doers here in order

\* The following eulogium upon President Forbes, which appears in Lord Elchies's Note Book, written by his Lordship upon the occasion of the death of that eminent Judge, is worthy of being recorded:—"December 10, 1747.—This morning about eight died Duncan Forbes of Culloden, Lord President of the Session, very much and most justly regretted; for he had many valuable qualities, that procured him general esteem, both in his private life and in his public office of a Judge. And as before his time I never saw that office supplied, either with so much dignity, or so much to the satisfaction of the country, as while he enjoyed it, which was little more than ten years, so I do not expect ever to see it so well supplied again."

to get payment) attached by the alleged granter as forged ;—the Lords, in respect that no judicial demand had been made upon it, and that the creditor did not subject it to a trial here, found themselves not competent to try the forgery, and ordered the note to be given up to the woman's agents.

No 15.

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1738. *January 10.* SINCLAIR *against* M'LEOD of Cadboll.

No. 16.

SESSION no competent Court for levying the penalties of the act 8vo. Annæ and 9mo. Annæ, concerning apprentices' indentures, though they can declare the nullity. *Vide* APPRENTICE.

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1738. *July 27.*

PROCURATOR-FISCAL of the ADMIRALTY-COURT *against* M'KENZIE of Corrie.

No. 17.

THE Judge-Admiral having tried a process of oppression against a Bailie for seizing and carrying off herrings and nets, &c. without any trial or sentence, and fined the Bailie ;—upon a suspension, the first objection was, that the Judge-Admiral could not try the crime without a Jury, which the Lords repelled, since it could not affect either life, limb or fame, 21st July 1738 ;—*2dly*, That the witnesses were all *testes singulares*, and two witnesses did not concur as to the same act, which was also repelled ; because they thought this a general crime, (though some differed,) and found the letters orderly proceeded. (See DICT. No. 227. p. 7510.)

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1738. *November 28.*

TOWN of LANARK *against* COMMISSARY HAMILTON.

No. 18.

NOTWITHSTANDING a general power in the Commissary of Lanark's commission to hold courts in any place of his jurisdiction, yet because of the ancient use and custom, he was found obliged to hold his ordinary courts at Lanark ; but prejudice upon extraordinary emergents to hold courts *pro re nata* elsewhere within his jurisdiction. (See DICT. No. 297. p. 7582.)