

1739. *December 12.*

No. 19.

COMMISSARY CLERK of LAUDER, *against* The COMMISSARIES of EDINBURGH.

THE Lords demurred as to the Commissaries of Edinburgh's powers to confirm testaments in inferior Commissariots during a vacancy; but found that they themselves had power in case of such vacancy to name a Commissary, and accordingly named one for Lauder. (See DICT. No. 150. p. 7432.)

\* \* They did the same 3d November 1742, upon the death of the Commissary of Stirling, Thomas Christie, Supplicant. (See DICT. No. 152.) p. 7433.)

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1739. *December 21.*

No. 20.

CAPTAIN CHARLES CAMPBELL, and MARY CAMPBELL, *against* ELIZABETH and JEAN CAMPBELL.

THE same found (as in No. 3,) as to a power to two friends to give provisions (or rather indeed to diminish provisions settled by a contract of marriage to their children.) *Vide* MUTUAL CONTRACT.

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1741. *January 27.* KING'S COLLEGE of ABERDEEN.

No. 21.

THE Court found a good many years ago, that a man having mortified a sum for a fund for certain bursaries in the College of Aberdeen, the patronage of which he gave to Sir Alexander Ramsay, and committed the trust of the money to the town of Aberdeen, to employ it on land or interest, and the town refusing to accept of the trust, that the Court came in the place of the town. The judgment is mentioned in a petition of Sir Alexander Ramsay's the patron, 23d February 1745, which I keep because of the novelty of the decision. *Vide* TRUST.

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1741. *February 13.* TOWN of HAMILTON *against* The EARL of HYNDFORD.

No. 22.

SHERIFF-COURT being held for near 200 years in a burgh of Regality, (the Lord of Regality being generally also Sheriff,) though the publications