

which question the Crown or Grosset would have no interest; and therefore I moved a doubt, whether in the question of jurisdiction it would make any difference that Grosset himself was charged with the fraud, that is, though I thought we could not meddle with the bond to reduce it as was concluded in this action, nor with the accounts stated between Grosset and Murray, or the frauds charged as arising from these accounts, yet might not this Court have jurisdiction as they would against a third party, so against Grosset, to try whether he had by any fraud elicited from them that bond, to the effect of decerning him to relieve them of it? The President thought we would have jurisdiction against a third party, but against Grosset he thought it would make a collision with the Exchequer, and we all agreed to sustain the objection. Our interlocutor finds that we have no jurisdiction to proceed while the suit against Edwards depends in Exchequer.

No. 54. 1751, (1741) June 26, 30. SIR ROBERT PRINGLE, &c. *against*
EARL OF HOME, &c.

JUSTICES OF PEACE of Berwickshire anent the place of meeting delayed till Tuesday, —26th June 1741.

This delayed till this day, 30th June, to the end that the ancient commissions in 1617 and 1661 might be produced, which, at least those in 1617, undoubtedly would have determined the point. But it being now reported that none of these commissions were to be found, the Lords found that the head burgh was the place where the Quarter Session were to meet, and therefore suspended the order.

No. 55. 1751, July 4. BELCHIES *against* THE GOVERNOR OF EDINBURGH CASTLE.

THIS was a complaint for the sentry at the Castle refusing access to a messenger to the Castle to execute letters of second diligence against the Lieutenant. The answers admitted, that the King's letters behoved to have course and be executed in the Castle, but seemed to import, that in fact it was impracticable, or behoved to depend on the pleasure of the Governor for the time. As no fact was directly charged on the Deputy-Governor and Lieutenant, if it was not that they had not given general orders when any such officer of the law demanded admittance either to admit him or to acquaint the Governor that he might admit him, or show cause why he did not; therefore we assoilzied the Deputy-Governor and Lieutenant, but found, that the Commander of the Castle for the time is bound to give access to the officers of the law to execute the King's letters in the Castle.

No. 56. 1751, July 25. ALEXANDER GOLDIE *against* ———.

MR GOLDIE this day presented an advocation of a process against him before the Magistrates of Edinburgh for L.4. sterling on his privilege as a member of Court. I doubted whether on the words of the jurisdiction act the privilege was any exception, and therefore reported it; and the Lords found the privilege still subsisted, and therefore I passed the bill.