

Sir William intented a reduction of this disposition, on the medium, that the disponee was partaker of the fraud by his brother in granting double rights.

Alexander Henry Gordon obtained an interlocutor of an Ordinary, 12th December 1744, assoilzeing from the reduction. Against which a petition was presented, and answered; but, before advising, Sir William had engaged in the Rebellion, and was attainted.

Intimation was made to the King's Advocate, and the Officers of State called upon a diligence; but they did not appear.

THE LORDS, in respect of the intimation made to the King's Advocate, and that the Officers of State, being called upon a diligence, did not insist in the cause, found, That the petition was fallen; and allowed the defender to extract his decret on the Lord Ordinary's interlocutor.

Act. Absent.

Alt. Lockhart.

Clerk, Gibson.

*D. Falconer, v. 2. No 3. p. 4.*

1752. June 26.

DAGLIESH against HAMILTON.

THE LORDS sustained the objection to a process of sale of a minor's lands, That the tutors and curators of the minor were not called; and found, That they could not be brought into the field by a diligence.

*Fol. Dic. v. 4. p. 149. Kilkerran.*

\* \* This case is No 16. p. 2184. voce CITATION.

1755. February 18.

GILLIES against WAUGH.

IN a process for reducing an election of one set of magistrates and counsellors, and for declaring the election of another, all persons who are, or pretend to be, members of the Council, must be made parties to the process, either as pursuers or defenders in the principal summons; and it is not sufficient to call them by an incident diligence.

*Fol. Dic. v. 4. p. 149.*

\* \* This case is No 22. p. 1875. voce BURGH ROYAL.

No 188.  
tioner thereafter being attainted, the respondent having made intimation to the King's Advocate, and called the Officers of State by a diligence, who did not appear, the bill was found fallen, and decree allowed to be extracted on the former interlocutor.

No 189.

No 190.