

such general service would have carried moveables. The Roman law made no distinction between heritable and moveable; but the case is different with us. A general service cognosces heirs to be heirs, but it gives no title. It would not be sufficient to authorise the exacting of payment: confirmation or special service would be necessary to complete title.

JUSTICE-CLERK. The grounds of law laid down by Lord Braxfield are just. There is no such thing as a conveyance to heirs whatsoever, while the father is alive: if there were, the subject might be conveyed by them; but the succession cannot open to them, because the father is *fiar*.

On the 9th March 1779, "The Lords found that the heir of the body of Agnes, the predeceasing daughter, has a right *jure representationis*."

Act. Ilay Campbell, J. M'Laurin. *Alt.* W. Baillie, D. Rae. Hearing in presence.

1779. June 18. FRANCIS BENSON, Merchant in London, Petitioner.

PROCESS.

FRANCIS BENSON set forth, in a petition, that his character, as a man and as a merchant, has been severely attacked in a case between *Mozely* and *Black*, to which he is no party: and he, therefore, craved to be allowed to reply to the aspersions thrown out.

The Lords were of opinion that he who is no party in a cause cannot be received to reply in the cause; but that, if he is *incidentally* injured, he must seek redress by an *incidental* complaint.

On the 18th June 1779, "The Lords refused the petition, reserving to the petitioner to apply by way of complaint."

Act. G. Buchan Hepburn. *Alt.* Neil Ferguson.

1779. June 23. JOHN WOOD of the Island of St Christopher's *against* ELLEN GRAINGER.

FOREIGN—ANNUALRENT.

A debt contracted abroad being sued for in this country, found that the interest must be restricted to 5 *per cent.* though a larger rate was allowed in the *locus contractus*.

[*Faculty Collection, VIII. 153; Dict. 4532.*]

COVINGTON. In the case, *Sinclair* against *Fraser*, the House of Lords found that the decret of a foreign Court was *prima facie* evidence of its being just, reserving every challenge against it. The foreign court gave no judgment as to the *quantum* of the attorney's claim: the decree is purely in absence; the person claiming must show that the charge is reasonable. The interest must be *secundum leges loci*.

GARDENSTON. If the defender had gone to the Island of St Christopher's,