

given by their Lordships are to be denied: The said Lord upon a bill offered with the Judgement of the house of Peers, granted a Summary Warrant for Arrest of Learning and Special Diligence against the Appellants for staying the said assize and Charges 13 June 1711 upon contract Lord & Lady Hamilton. The Lords of Parliament having Received a decree of the session and ordered that court to direct the Appellants to be laid according to the Court of the session and paid by the Appellants: The Lord of session would not consider the said Expenses till the Appellants were first legally Cited by their Order; that he might come prepared to object a sum of the Quantity of Expenses to be Made; and 21 January 1711 Remanding the said contract Cumming. But this appeal was when Cited having at the day of Compliance pleaded his privilege of Parliament, against the sustaining whereof the Appellant did again protest for Remedy of Law; and the Appellant, without Disturbing that protest, having upon a Summary Complaint given in to the house of Peers, obtained a second order Directed to the Court of session that they should first to with the said Expenses and direct the same to be paid to the Complainant, pursuant to the order and Judgment above mentioned: The Appellants was found obliged to answer to the Appellants Order of Expenses, without the capacity of any further Petition 26 June 1712 from which Complainant the Lords found that the question before them was not whether any expenses were due or Not, but only how much should be Decreed for Expenses in Medifying and bearing a certain sum was Decreed to be paid by the Appellants to the Appellants, without either Entering in to the Detail of the said Expenses before the session, or Comproving that Charge of Discharging the Appeal 30 July 1712 for Expenses and Decree of the session the hearing a lease of land and removing the said man from the possession being Received by the house of Peers, and the said man ordered to be restored to the possession of Peers, and the said man ordered to be restored to the possession of Peers, and to leave said factors for his life thro' his being hired out; the factor who hired him out and had let the lands to another tenant, was found liable for the overplus only contained in the lease let to the said tenant, there than was payable by the said tenant to the man for the Year of he was out of possession, and for appropriation of the Grassland paid by the said tenant according to the said Year; but not for what further profit the said Year did to the said tenant in that Interval 14 Decemb. 1712 Hamilton contra Lady Cardross

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 After an appeal from any sentence or Decree given or pronounced in any Court of Scotland, it is caused by the House of Peers, and an order made by them for the Appellant to answer the said appeal, and Notice of such order due to be served upon the Respondent; the sentence or Decree to be protested against, from such time ought not to be Carried or put in Execution by any process what soever, Conform to an order of the house of Peers, in the said Act 19 June 1709 to which an appeal offers from a protest for Remedy of Law, which did not put Execution upon the sentence protested against.

In order to have the Matter of the appeal fully tried and Respondent give to be determined, the Appellant and Respondent signed by their respective Counsel at Law, upon the day appointed by their respective Counsel at Law. Upon the day appointed by the House of Peers, the Appellant and Respondent appeared at the Bar of the house, proceed to Judgement by Answering or affirming the Decree.

The said Lords may a standing or a new trial, or on a dispute as should remain without and inrolled by them in any Court of Justice, or in the House of Peers in consequence of

A Protest for Remedy of Law against a Decree of the session, having been lodged before the House of Peers, and Judgement there given Dismissing the appeal, and the Appellants to pay a certain sum for Costs, and the Lord of session to order the same to be denied as before gives

Matter, as to their great Wisdom should seem Meet, and in order there unto that their Lordships would be pleased to have the usual order or Summons Requiring the person in the said favour Judgment was Given in the Court of session, by the day to give in his answer thereto, and the person in that day to pay the said person signed by the Appellant and the Counsel at Law, delivered to the Clerk of the house to be Read. Upon Reading this petition and appeal, the Lords order the said person to have a Copy of the said appeal, and to put in his answer thereto on or before a certain day. Any Party may serve the party or Deliver to him a Copy of the said appeal, who appears before a Judge, and Make affidavit, that; Conform to an order of the Lords spiritual and Temporal in Parliament assembled the Date &c. he served the same with a Copy of an appeal to the said Lords of Bench and session of Scotland, to the said Lords &c. might put in his answer thereto on or before a certain day, and Affidavit in England is equivalent to the Execution of a Writ in Scotland.

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