

No 16. that there was a depending process, or that it was a court-day when the advocacy was produced; for the pursuers might destroy and abstract their processes; and it would be hard to recover the diets of court from a clerk, where the Judge of the court is concerned, that the thing should not be proved.

THE LORDS found Hoddam and Colistoun guilty of contempt of their Lordships authority; and decerned them to pay 100 merks of fine.

*Fol. Dic. v. 1. p. 27. Forbes, p. 112.*

1741. June 23.

PROCURATOR FISCAL of the JUSTICES of PEACE of Haddington, *against* FORREST and Others.

No 17.

FOUND that the pursuer might advocate his own cause on the head of incompetency.

The like had lately been found before; Hamilton of Ladyland against Boyd and others, skippers in Irvine.

*Fol. Dic. v. 3. p. 20. Kilkerran, (ADVOCATION.) p. 21.*

1750. July 26.

BUCHANAN *against* URE.

No 18.

A cause below L. 12 cannot be remitted with instructions. See No 21.

A bill of advocacy, from the Sheriff of Stirling, of a cause under L. 12 Sterling, being, by the Ordinary, remitted with an instruction, one of the parties thinking himself aggrieved, in point of law, reclaimed by petition; which the LORDS appointed to be answered, for no other reason but that the bill of advocacy might be simply refused; being of opinion there could be no instruction given in a cause below L. 12 Sterling.

And, accordingly, the LORDS, on advising petition and answers, 'remitted to the Sheriff to do as he should see cause.'

*Fol. Dic. v. 3. p. 20. Kilkerran, (JURISDICTION of the LORDS of SESSION) p. 320.*

No 19.

Forfeiture of a dog and gun being concluded for in an action, otherwise below L. 12, advocacy competent, because the value of these articles uncertain.

1761. February 11.

Marquis of LOTHIAN *against* OLIVER & FAIR.

AN action being brought before the Sheriff, on the act 1707, against some persons, for hunting without a qualification, concluding for the penalty of L. 20 Scots, and forfeiture of the dog and gun; the Sheriff fined each in L. 5 Scots.

THE LORD ORDINARY refused advocacy, in respect the value of the cause did not exceed L. 12 Sterling.—THE LORDS, on a reclaiming petition, remitted to pass the bill, as the value of the dog and gun was uncertain, and might exceed L. 12 Sterling.

*Fol. Dic. v. 3. p. 20.*