

“ *March 3, 1757.*—The Lords found, that the parish of Inveresk being the known place of the person’s birth, the said parish of Inveresk are liable to her maintenance.

“ The Court were of opinion, that whenever the place of the person’s birth was known, that parish in which the person was born was liable to his maintenance.

“ But there was a speciality in this case, which prevented a general discussion on that point, that it did not appear from the fact, as stated in this case, that the person’s residence in this case could be said to have been within the parish of Tranent.”

1757. *March 10.* WILLIAM NAIRNE *against* SIR THOMAS NAIRN of Dunsinnan.

THIS case is reported in *Fac. Col. (Mor. 15605.)* Lord KILKERRAN’s note upon it is as follows :—

“ Lord Strathnaver brought an action against the Duke of Douglas, to record the tailyie of Rosebank, made by the Countess of Sutherland. There are also other like cases, which have been registered long after the death of the granter, such as the tailyie of Bargany, at the suit of Mrs. Joanna Hamilton, the grandchild of the maker of the entail.

“ In the tailyie of Lee, made by Cromwell Lockart, the first institute was Richard, the second James, the third John Lockhart of Castlehill; and the son of John, after the death of all before him, then a minor, presented the tailyie for registration, which was ordered, and this was in 1694.

“ In the tailyies of Rosehaugh, Scot of Galla, of Kinglassy, of Ruthven; *ergo*, as the law does not reprobate the registration of tailyies after the death of the granter, as being only for publication, so the practice confirms it; so much for the general point.

“ And as to the second, whether competent to a remoter substitute, as by the common law, every substitute has a right to succeed in his order, so the statute has required that to make it good, it should be recorded, every substitute has a right to apply for that; this was found in the case the tailyie of Rosebank above mentioned—the case of Nestshields—the case of Drum. In short, it was never doubted. The registration is purely ministerial, it preserves the right against creditors, and against forfeitures, and is *maximæ utilitatis*, and as for the necessity of a process, the answer is, that it is a matter *voluntariæ jurisdictionis*.”

“ *March 10, 1757.*—After much arguing on the bench, the Lords appointed the tailyie to be recorded.”

1757. *June 16.* BLAIR *against* HENDERSON.

THE Pursuer, being creditor to the father of the defender, raised an action after the death of his debtor against the defender, his eldest son, as representing him ;