Meanwhile, Grahame, reduced to poverty and on the poor's roll, entered an appeal to the House of Peers. This appeal was served;—notwithstanding of which, the pursuers went on, and insisted against Honeyman for the expenses, —alleging that Honeyman was no party to the appeal,—and that it did not stop procedure against him. Honeyman ANSWERED,—That the whole former procedure had been against Grahame: that, as to him, he had refused to have any thing to do with it. Grahame was bound to him *primo loco*; the inhabitants, who had granted the bills, *secundo loco*. But, though these bills were reduced, still Grahame remained bound to him as before. Therefore he was a cipher in the affair; and, as to the appeal, it was plain, if Grahame carried the appeal, he was free of expense, which was only an accessory claim against him; and, therefore, until the principal claim was discussed, the accessory could not proceed.

"The Lord Gardenston, Ordinary, found, that the appeal entered by Grahame was no bar to proceeding against Honeyman." But the Lords took a safer course. They pronounced this interlocutor:—"In respect of the appeal entered by Grahame, and that though not entered by Honeyman, yet as it is still competent for him to become a party thereto,—therefore supersede advising this petition till three weeks after next meeting of Parliament; and then appoint parties to report, whether any appeal has then been entered by Honeyman; or whether he has made himself a party to the appeal entered by Grahame."

And accordingly, a report having been made to the Court, that Grahame had withdrawn his appeal, (11th December 1776;) the Lords proceeded, and adhered to the interlocutor, finding Honeyman, as well as Grahame, liable in expenses; reserving his action of relief against Grahame, and Grahame's defences, as accords.

1776. *August* 1. PUBLISHERS of the EDINBURGH REVIEW *against* JARDINE.

As, by the forms of Parliament, no petition of appeal is receivable at a meeting of adjournment, and not for dispatch of business; the publishers of the Edinburgh Review, against whom the Schoolmaster of Bathgate had obtained decree for damages, applied to the Lords, by bill of suspension, praying that execution might be stopt until Parliament met for dispatch of business; and that they had thereby an opportunity to bring it under review, which it was their intention to do. The Lords, 1st August 1776, upon a verbal report of the Lord Ordinary on the Bills, refused the bill unanimously.

1776. *March* . GORDON *against* WILLIAM TAYLOR, Writer in Edinburgh.

AN appeal stops execution, in terms of the Resolution of the House of Lords, anno 1709.

Gordon, second son of Sir Robert Gordon of Gordonston, was creditor to William Taylor, writer in Edinburgh, against whom he obtained decreet of adjudication. Taylor reclaimed to the Lords; but his petition, 9th March 1776, was refused. Thereupon, the decreet of adjudication being extracted, Taylor appealed. The question was, Did the appeal stop recording the abbreviate? My answer was, *not*. The abbreviate was no execution; and as the Lords had found, in the case of *Dr Heron* against *Heron*, that, even after an appeal, inhibition might be raised on the dependance, being only a diligence in security, not for execution, the same applied here. The Ordinary on the Bills, Lord Covington, refused a suspension.

1774. *January* 19. MAGISTRATES of RUGLEN *against* CULLEN.

IN the cause, Magistrates of Ruglen against Cullen, Lord President said, that where a party reclaims, and then appeals, without waiting the fate of his reclaiming petition, the House of Peers will dismiss the appeal as premature.

Again, If a party appeal, and then reclaim, his reclaiming petition is considered as a waver of the appeal; and has been so found by the House of Lords.

In this case, after pronouncing an Inner-House interlocutor, Cullen reclaimed; but the other party appealed. On the appeal the decree was affirmed, 30th November 1773. This rendered it impossible for the Lords, on advising the reclaiming petition, to make any alteration; more especially as Cullen, in his case before the House of Peers, had expressed an acquiescence in the decree, and a hope that it should be affirmed. On a reclaiming petition and answers, the Lords adhered.

N.B.—The error lay in this, That Cullen should have brought a cross appeal.

APPROBATE AND REPROBATE.

1776. *July* 20. JOHN DONALDSON, Bookseller, *against* THOMSON.

THE decision, 10th June 1748, Sir David Cunningham against Whitefords, is a decision not approved of; it was appealed from. But, before pleading the appeal in the House of Lords, it was compromised by payment of a large sum of money; and Hardwicke, chancellor, said it was compromised wisely. This day, 20th July 1776, in the case of John Donaldson, bookseller, against Thom-