

1681. *November 17.* ALEXANDER CHAPLAIN, W. S. *against* BROWN, Relict of MARJORIBANKS.

ALEXANDER Chaplain, Writer to the Signet, pursues a general declarator of umquhile Joseph Marjoribanks's escheat, (to which he was made donatar,) against Brown his relict, and John Marjoribanks his brother.

ALLEGED,—The denunciation was unwarrantable, being after a bill of suspension presented and intimated. ANSWERED,—The stop of execution was taken off.

This, after a hearing in presence, was repelled, and declarator granted; reserving reduction of the said denunciation as accords of the law.

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1681. *November 19.* JOHN INGLIS, Advocate, *against* WILLIAM CHIESLY, CHRISTIAN TARBET, and WILLIAM ALLAN.

IN the action John Inglis, advocate, against Mr William Chiesly and Christian Tarbet, and William Allan, servitor to Mr Walter Pringle, advocate; Mr William having deponed on the terms of the deposition of the new bond, the Lords ordained him to be reëxamined* if he had any warrant or order from James Tarbet elder to give up the old bond to Sir John Chiesly the debtor, and to take a new one; or to cancel the two daughters' assignations; seeing his son's bringing the bond when his father was *in agone mortis*, was no presumption of any warrant he had from his father to that effect; which might have been presumed if his father had been *in liege poustie*.

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1681. *November 23.* JAMES SANDERSON *against* GEORGE JARDEN.

The debate betwixt James Sanderson, donatar to the bastardy and *ultimus hæres* of James Monteith, and George Jarden, late bailie in Edinburgh, being reported, the Lords found Fullarton's comprising null, because the execution of the denunciation of the comprising did not bear that a copy or schedule was delivered to the debtor when he was warned: though it appeared, by the execution, that a schedule was left on the ground of the lands; and that he was warned, personally apprehended, and that he was then minor. None of which special circumstances the Lords regarded.

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1681. *November 25.* ROBERT ALLAN *against* THOMAS ALLAN.

MR Robert Allan pursues Mr Thomas Allan, minister at Wachopdale, his